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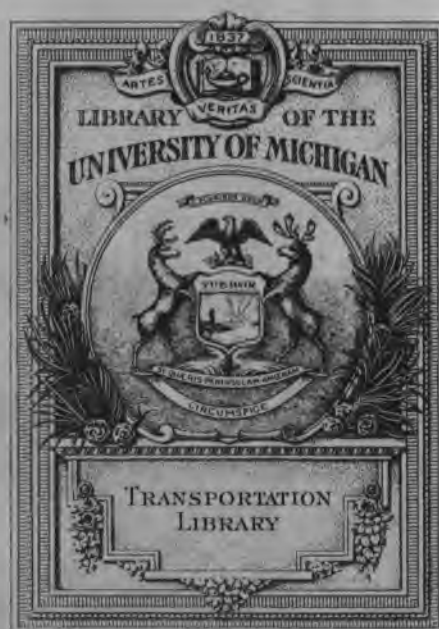
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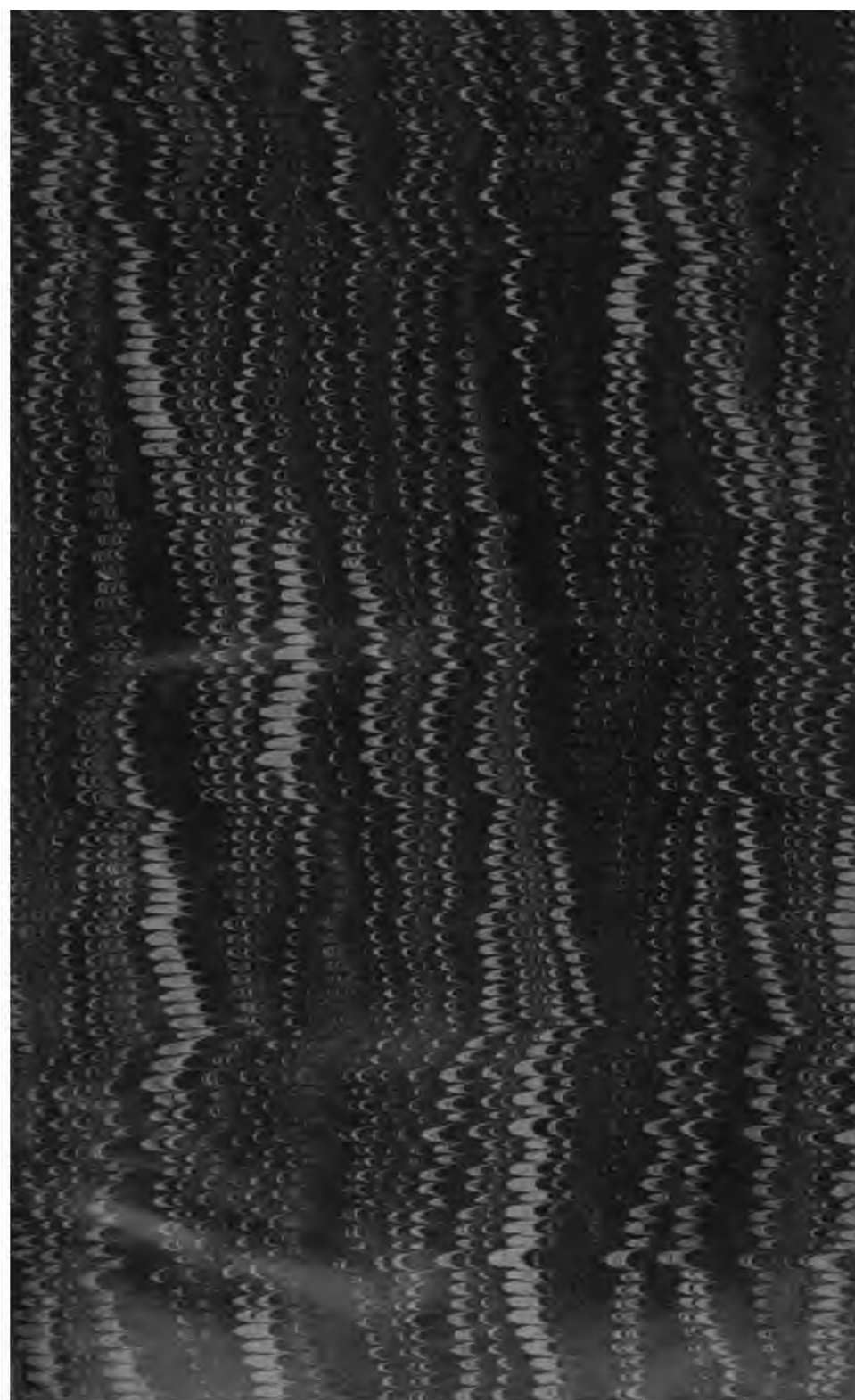
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54TH CONGRESS, } HOUSE OF REPRESENTATIVES. { DOCUMENT
1st Session. } No. 423. ✓

L A W S

RELATING TO

STREET-RAILWAY FRANCHISES

IN THE

DISTRICT OF COLUMBIA.

(INCLUDING STREET-RAILWAY LAWS ENACTED DURING THE
FIRST SESSION OF THE FIFTY-FOURTH CONGRESS.)

COMPILED IN THE OFFICE OF THE COMMISSIONERS OF THE DISTRICT
OF COLUMBIA, AND PRINTED UNDER AUTHORITY OF THE
RESOLUTION OF CONGRESS PASSED MARCH 12, 1896.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1896.

CONCURRENT RESOLUTION to compile and publish the laws relating to street-railway franchises in the District of Columbia.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various Acts of Congress relating to street-railway franchises in the District of Columbia; and that two hundred copies of the same shall be furnished for the use of the Senate, four hundred copies for the use of the House of Representatives, and two thousand and five hundred copies for the use of and distribution by the Commissioners of the District of Columbia.

Passed March 12, 1896.

21 OCT 1911

LAWS RELATING TO STREET-RAILWAY FRANCHISES IN THE DISTRICT OF COLUMBIA.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

AN ACT giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation. Feb. 18, 1875.
Stats. 18, p. 328.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the approval and sanction of Congress is hereby given to the construction, operation, and maintenance of a street-railroad by the Anacostia and Potomac River Railroad Company, of Washington City, District of Columbia, a company incorporated under the act of Congress of May fifth, eighteen hundred and seventy, which incorporation is hereby confirmed and validated, along, upon, and over the following route, in the city of Washington, District of Columbia, namely: Commencing for the eastern terminus of said road, at or near the northern end of the navy-yard bridge, in the said city, on Eleventh street east; thence upon and along said Eleventh street east to M street south; thence upon and along said M street south to Third street east; thence upon and along said Third street east to N street south; thence upon and along said N street south to Water street; thence upon and along said Water street to Twelfth street west; thence upon and along said Twelfth street west to Ohio avenue; thence upon and along said Ohio avenue to Fourteenth street west; thence along and upon said Fourteenth street west to the western terminus of said road at the intersection of Pennsylvania avenue and said Fourteenth street west; and also on M street south from Third street east to Water street, and on Eleventh street west from Water street to the intersection of Twelfth and B streets southwest; conforming to the grades of said streets and avenues as the same now are, or may hereafter be, established by law: *Provided*, That said company shall construct at least a single-track road over said route, and open the same to travel within sixteen months after the approval of this act: *And provided further*, That whenever the foregoing route shall coincide with the route of any other duly-incorporated railroad company, or connect portions of such route, but one set of tracks shall be used, and each company using the tracks shall contribute equitably to the expense of laying and maintaining them; the amount to be contributed

Approval of construction, etc., of street-railroad by Anacostia and Potomac River Railroad Company (amended).

Route (amended).

Time for completion.

One track for coinciding routes.

to be ascertained, when the companies disagree, by the supreme court of the District of Columbia, upon application of any company interested, and on notice to and hearing of the parties interested.

Laying of track
and paving.

SEC. 2. That in the manner of laying its tracks, and paying the same, this company shall be under the control of the executive authority of the District of Columbia; and it shall pave its tracks, and the spaces between them, and for the space of two feet beyond the outer line thereof, and keep the same in good order, without expense to the United States or the District of Columbia; and that said pavement shall be as prescribed by the said executive authority of the District of Columbia; and the rate of fare charged and received by said company shall not exceed five cents a passenger for any distance between the termini of said road.

Use of navy-
yard bridge.

SEC. 3. That whenever the present navy-yard bridge shall be replaced by a structure suitable for the passage of a street-railroad, the company shall have the right to cross over the same to Uniontown, under such restrictions and regulations as Congress may provide; and Uniontown shall then become the eastern terminus of the road; and from Uniontown the company may extend their road by the Good Hope road to the District line; and for riding over this extension of the road the company may charge an additional fare not exceeding five cents.

Extension of
road east of
Uniontown.

Right to alter
or amend act.

SEC. 4. That Congress may, at any time, alter, amend, or repeal this act.

Approved, February 18, 1875.

April 5, 1876.

Stats. 19, p. 26.

AN ACT to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation."

Anacostia and
Potomac River
Railroad, time
for completion
extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth eighteen hundred and seventy-five, be, and is hereby, so amended as to extend the time for the completion of said road to six months from and after the completion of the streets now in process of improvement along and upon which the chartered rights of the company extend.

Change of ter-
minus (amend-
ed).

SEC 2. That the privilege is hereby granted the company to change their terminus at Fourteenth street and Pennsylvania avenue west, as follows: Commencing at intersection of Twelfth street and Ohio avenue northwest, along and upon Twelfth to D street, along and upon D street to Fifteenth street, along and upon Fifteenth street west to Pennsylvania avenue, near the Treasury gates, being one square west of the present terminus; also, that the company may extend their road from the intersection of Twelfth street and Ohio avenue northwest, along and upon Louisiana avenue to the

Extension of
road.

south side of Pennsylvania avenue at a point opposite Centre Market: *Provided*, That whenever the street-pavement may be torn up and travel thereon interfered with by removal of the track of said road, said company shall, at its own expense, put such street pavement in as good order as before the laying of the track thereon. SECTION 3. That Congress may at any time alter, amend or repeal this act.

Pavements to be restored.

Amendment and repeal.

MICHAEL C. KERR

Speaker of the House of Representatives

T. W. FERRY

President of the Senate pro-tempore.

Received by the President March 24, 1876.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Sundry civil bill, 1880.

March 3, 1879.

Stats. 20, p. 404.

And one of the two railroad tracks now on said Anacostia Bridge shall be at once removed.

Tracks on Anacostia bridge.

Approved, March 3, 1879.

AN ACT to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia.

August 1, 1888.

Stats. 25, p. 353.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth, eighteen hundred and seventy-five, and amended March twenty-fourth, eighteen hundred and seventy-six, be, and the same is hereby, amended so as to authorize said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Seventh street east; along Seventh street to G street south; along G street to Fourth street east; along Fourth street to E street south; along E street to Canal street; along Canal street to B street south, along B street south to Third street west; along Third street to Missouri avenue; along Missouri avenue to Sixth street west; along Sixth street to B street north; along B street to a point near the Center Market to be named by the Commissioners of the District of Columbia: *Provided*, That the said company shall complete the above-mentioned tracks and run cars thereon within one year from the approval of this act, and from the intersection of its

Anacostia and Potomac River Railroad, extension of.

Route (amended).

Proviso: completion.

Extension to Congressional Cemetery. tracks on M street south with Second street west; along Second street to its tracks on Canal street: *Provided*, That said company shall complete the last-mentioned tracks and run cars thereon within two years from the approval of this act. The company is also authorized to extend its tracks and run cars thereon from its track at Seventh and G streets southeast herein mentioned, along G street to Seventeenth street east; along Seventeenth street to E street south; along E street to and beyond the entrance to the Congressional Cemetery at a point to be named by the Commissioners of the District of Columbia, after the said streets shall have been improved.

Additional track on Anacostia bridge. SEC. 2. That the said company may be permitted to place or cause to be placed upon the Anacostia bridge an additional track, and the rails of both tracks shall be of such form as will offer the least obstruction to ordinary traffic, and subject to approval by the Commissioners of the District of Columbia. The said company shall also construct at least a single track, with necessary switches and turn-outs, along Harrison street, in Anacostia, to the entrance to the grounds of the German Orphan Asylum, and run cars thereon within six months after laying the track mentioned on said bridge.

Extension to Insane Asylum. SEC. 3. That the said company is also authorized to extend its track and run cars thereon from its present terminus on Nichols avenue, near Anacostia, by the way of Nichols avenue to the entrance to the grounds of the Government Hospital for the Insane, and along said avenue and the Livingstone road to the District line.

Use of other tracks. SEC. 4. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason it shall be deemed necessary by the Commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

Rails. SEC. 5. That in the construction of the tracks herein specified the pattern of rail used shall be approved by the Commissioners of the District of Columbia, and in any extensive repairs to the tracks now owned by the company requiring new rails the pattern of rails shall likewise be approved by the Commissioners of the District of Columbia: *Provided*, That all rails laid upon the streets of the city of Washington by said company under the authority of this act shall be on a level with the surface of the streets, and shall not project above the same.

To be level with streets.

Cars. SEC. 6. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time table or schedule

adopted by the company, a copy of which shall be filed with the Commissioners of the District of Columbia, and be approved by them.

SEC. 7. That the said Anacostia and Potomac River Railroad Company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars, tracks, and motive power for the next ensuing year, two per centum for the first ten years after completion, and thereafter four per centum of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District of Columbia, and the tracks shall not be taxed as real estate: *Provided*, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed ten per centum of the actual cost of such road, then the company shall, under the direction of the said Commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed ten per centum of the actual cost for the construction, equipment, and maintenance thereof.

Reports.

Taxes.

Reduction of fare.

SEC. 9. That Congress may at any time amend, alter, or repeal this act.

Amendment.

Approved, August 1, 1888.

AN ACT to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

March 24, 1890.
Stats. 26, p. 28.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth, eighteen hundred and seventy-five, amended March twenty-fourth, eighteen hundred and seventy-six, and August first eighteen hundred and eighty-eight, be, and the same is hereby, amended

Anacostia and Potomac River Railroad; change of route.

so as to authorize the said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Eleventh street east; along Eleventh street to its tracks on G street south. That the time for the completion of its track is extended one year. That in the construction of the tracks herein authorized the pattern of rail used shall be approved by the Commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street: *Provided* so much of the act of August first eighteen hundred and eighty-eight as authorized the company herein named to lay its tracks on Seventh street east between M street and G street is hereby repealed.

Extension of time. SEC. 2. That Congress may at any time amend, alter, or repeal this act.

Approval of rail, etc. Approved, March 24, 1890.

Tracks on 7th st. east, bet. M and G sts. Amendment.

April 30, 1892. AN ACT to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

Stats. 27, p. 22.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February eighteenth, eighteen hundred and seventy-five, subsequently amended, be, and the same is hereby, amended so as to authorize the said company to lay tracks and switches and run cars as follows: From the intersection of its tracks at Ninth street with B street northwest north on Ninth street to G. street northwest over the tracks of the Metropolitan Railway Company; thence west on G. street northwest to Eleventh street northwest over the tracks of Eckington and Soldiers' Home Railway Company; thence south on Eleventh street to E. street northwest, and east on E street to Ninth street on the tracks of the Capitol, North O Street and South Washington Railway Company; thence south on Ninth street to B street on the tracks of the Metropolitan Railway Company. That in construction of its tracks herein authorized the pattern of the rail used shall be the standard flat grooved rail and approved by the Commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street: *Provided*, That the said company shall commence work within three months and complete the same within six months from the approval of this act.

Anacostia and Potomac River Railroad Co., route and termini changed.

Extension of tracks. SEC. 2. That, should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District; and the relative conditions of use and of chartered rights may be

Rails.

Commencement and completion.

May use tracks of other companies.

Terms of use.

adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

SEC. 3. That this Road shall exchange tickets with other roads where their tracks unite. Exchange tickets.

SEC. 4. That Congress may at any time amend, alter, or repeal this act. Amendment.

Approved, April 30, 1892.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

AN ACT to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia. June 8, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Washington Transit Company, incorporated under the laws of the State of Maryland, and by amended charter by act of the legislature of Maryland, eighteen hundred and ninety-six, be, and is hereby, authorized to extend its road from its present charter terminus at Takoma Park, Maryland, into and within the District of Columbia, commencing at the northeastern boundary line of the District of Columbia, on Spring road in Takoma Park subdivision, westerly along said road to the line of Tahoe street extended, west along the line of said street to Blair road, and thence northwesterly, following public highways, to a junction with the Brightwood Railway, along a route to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of use of Spring road authorized herein shall cease and determine when highways contiguous thereto and shown upon the recorded highway-extension plans shall have been opened, in which case the route of the said company shall be upon said highways, as may be approved by the said Commissioners, in lieu of Spring road.

Baltimore and Washington Transit Company authorized to enter District of Columbia.

Route.

Spring road.

SEC. 2. That the Baltimore and Washington Transit Company and the Brightwood Railway Company shall have the power to make any contracts or agreements that they may deem necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company; that said extension of the transit company from the District of Columbia line to a junction with the tracks of the Brightwood Railway Company, near Fifth and Umattilla streets, in Takoma Park, District of Columbia, shall be commenced within six months and completed within one year from the passage of this Act.

Trackage arrangements with Brightwood R'y.

Commencement and completion.

SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding thirty feet in width, for its roadway, and of so much as may be necessary for buildings, and so forth, may be instituted in the usual way in the supreme court of

Condemnation of land.

the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That the land acquired by such agreement or condemnation for right of way for tracks within the limits of streets of the recorded highway-extension plans shall be dedicated to the District of Columbia for a public right of way before the company shall lay its tracks on such land; and that such right of way shall not be less than thirty feet in width for double tracks nor twenty feet in width for single track.

Land to be dedicated to District of Columbia.

SEC. 4. That the said Baltimore and Washington Transit Company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over the said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by cable, electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of said company to use an overhead single trolley on a street or part of a street shall cease six months after the date of the approval of an Act of Congress appropriating money for or otherwise authorizing the paving of the roadway of such street or part of street, except in connection with continuous track rails: *And provided further*, That the right of said company to use an overhead single trolley in any public space in the District of Columbia, except in connection with continuous track rails, shall in any event cease on July first, eighteen hundred and ninety-nine. Said railway to be constructed of good material, with grooved rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and two feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company.

Motive power.

Trolley.

Construction.

SEC. 5. That said railway shall be constructed in a substantial and durable manner. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks, shall be subject to the approval of the Commissioners of the District of Columbia. The said company having first obtained the written permission of the District Commissioners therefor, may make all necessary trenches and excavations and place therein the machinery and devices necessary to the operation of said railway. When said trenches and excavations are open they shall be thoroughly protected to prevent accident, and shall be closed within a reasonable time and the disturbed pavement relaid, all to the satisfaction of said Commissioners. The said company shall, at its own expense, in a good and substantial manner, make all changes to pipes, conduits, and other underground constructions ren-

Plans.

Excavations.

dered necessary by the construction of said railway. Said company shall be liable for any damage to pipes or other underground constructions caused by the passage of its cars over the same, or by electric current used in the propulsion of its cars. The said company shall, before commencing work on said railroad, deposit with the collector of taxes of the District of Columbia such sum as the Commissioners of said District may deem necessary to defray any expense that may be incurred by the District of Columbia in connection with the inspection of the work of construction of said railway, and to make good any damage done by said company or any of its contracting agents to any public work or construction. An account of the disbursement of such deposit or deposits shall be made to said company, and any balance due them shall be returned upon the completion of the work to defray the cost of which the money was deposited.

Deposit.

SEC. 6. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Widening
streets.

SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewers thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Change of
grade.

SEC. 8. That the said company in conjunction with the said Brightwood Railway may receive a rate of fare not exceeding five cents for each passenger for one continuous ride over the route aforesaid and the route of the said Brightwood Railway within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for twenty-five cents.

Fare.

SEC. 9. That said company shall pay to the District of Columbia, in lieu of taxes on personal property, for each fiscal year, four per centum of its gross earnings under this franchise upon its traffic for the preceding year derived from the operation thereof within the District of Columbia, which amount shall be paid to the collector of taxes at the times and in manner that other taxes are or may be payable, and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof in the same manner as is or

Taxes.

may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all assessments upon its personal property in the District of Columbia used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks, machinery, and devices shall not be considered real estate for the purpose of taxation.

Report.

SEC. 10. That the said company shall, on or before the first day of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia. The report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made within the time specified herein said company shall be liable to a fine of five hundred dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Bonds, etc.

SEC. 11. That the said corporation may issue bonds or other evidence of debt, to be secured by mortgage of its railroad properties and franchise within the District of Columbia, or by deed of trust thereon, but not to an amount greater than the cost of construction and equipment. It may own, purchase, lease, and sell real estate for the purposes of operating said road.

Commence-
ment and com-
pletion.

SEC. 12. That said company shall commence the construction of its said railway within six months from the approval of this Act, and said railway shall be open for traffic, with its switches and turn-outs, and with cars running thereon for the accommodation of passengers, within one year from the date of the approval of this Act.

Guarantee de-
posit.

SEC. 13. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. And unless said sum of one thousand dollars is so deposited within sixty days from the passage of this Act, all rights, franchises, and privileges hereby granted shall immediately cease and determine, and this charter shall be null and void. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

Speed.

Schedule.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, schedule for running cars, mode of use of tracks, and removal of

ice and snow as, in their judgment, the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

SEC. 15. That Congress reserves the right to amend, ^{Amendment.}
alter, or repeal this Act. _{etc.}

Approved, June 8, 1896.

BELT RAILWAY COMPANY (ORIGINALLY THE CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY COMPANY).

AN ACT to incorporate the Capitol, North O Street, and South Washington Railway Company. (* Now the Belt Railway Company.) March 3, 1875.
Stats. 18, p. 498.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Capitol, North O Street and South Washington Railway Company incorporated.
 Joseph Williams, William J. Murtagh, Hallet Kilbourn, Benjamin F. Fuller, William J. Cowing, Samuel R. Bond, William Saunders, George W. Goodall, George A. McIlhenny, L. A. Bartlett, and L. H. Chandler, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Capitol, North O Street, and South Washington Railway Company, with authority to construct and lay down a single or double track railway, with the necessary switches and turn outs, in the city of Washington, in the District of Columbia, through and along the following streets and avenues: commencing on First street west in front of the Capitol grounds, and running thence due north along said First street west to G street north; thence west along G street north to Fourth street west; thence along Fourth street west; thence along O street north to Eleventh street west; thence south along Eleventh street west to E street north; thence west along E street north to Fourteenth street west; thence south on Fourteenth street west to Ohio avenue; thence along said avenue to its intersection with Twelfth street west; thence south along said Twelfth street west to Virginia avenue; thence southeast along Virginia avenue to its intersection with Maryland avenue; thence northeast along Maryland avenue to First street west, the place of beginning, with the right to run public carriages thereon, drawn by horse-power, receiving therefor a rate of fare not exceeding five cents a passenger for any distance on said road, from its beginning to its terminus on First street west: *Provided*, That wherever the foregoing route may coincide with the route of any other duly-incorporated street-railroad-company in the District, or connect portions of such route, but one set of tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and

Route (extended).

Motive power.
Fare.

Coinciding routes.

Terms of joint use of tracks.

* Name changed by act of Congress approved February 18, 1893, to "The Belt Railway Company."

shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street-railroad-company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and the dropping of passengers.

Taxes.

SEC. 2. That the road of said company, with all its property and franchises, shall be liable to taxation as is or may be provided by law, and their cars or vehicles shall be subject to the provisions of such laws as to license and fees therefor.

Construction.

SEC. 3. That the said railway shall be laid as near the center of the streets and avenues in the city of Washington as practicable (without interfering with, or passing over, the water or gas-pipes) in the most approved manner adapted to street-railways, with rails of the most approved pattern, with a flat bearing for street vehicles of not less width, exclusive of the car-wheel bearing, than that now in use on the Washington and Georgetown railroad, laid upon an even surface with the pavement of the streets and avenues; and the space between the two tracks (where two are laid) shall not be less than four feet nor more than six feet in width, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Columbia Street Railway.

Paving.

SEC. 4. That the said corporation hereby created shall be bound to keep said tracks, and a space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times well paved and in good order, in such manner and with such material as may be directed by the board of commissioners of the District of Columbia, and if there be at any time no such board, then by the Secretary of War, without expense to the United States or the said city.

Grade, etc.,
may be changed
by authorities.

SEC. 5. That nothing in this act shall prevent the Government, or the proper authorities of the District of Columbia, at any time, at its option, from altering the grade, or otherwise improving all avenues and streets occupied by said road, or the said District, from so altering and improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company, at its own expense, to change their said railway so as to conform to such grade and pavement.

Amendment.

SEC. 6. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Issue of currency
not authorized.

SEC. 7. That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token or device, scrip, or other evidence of debt, to be used as currency.

SEC. 8. That the capital stock of said company shall not be less than two hundred thousand dollars nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

Capital stock.

SEC. 9. That the said company shall place first class cars on said railway, with all the modern improvements, for the convenience and comfort of passengers, and shall run cars thereon during the day, and as late at night as eleven o'clock, and as often as every ten minutes.

Cars.

SEC. 10. That the said company shall provide such passenger rooms, offices, stables, and depots at such points as the business of the road and the convenience of the public may require; and said company is hereby authorized to lay such rails through transverse streets or avenues as may be necessary not exceeding one block in distance in any one place, for connecting the said stables, depots, and offices with the main tracks; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above named, and not to exceed two hundred thousand dollars in value.

Passenger rooms.

Tracks may connect with buildings of company.

SEC. 11. That all articles of value that may be left in any of the cars or other vehicles of said company shall be taken to its principal depot and entered in a book of record of unclaimed goods; which book shall be open to the inspection of the public at all reasonable hours.

Articles left in cars.

SEC. 12. That within thirty days after the passage and approval of this act, the corporators named in the first section, or a majority of them, or, if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington, for a period, to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That no one individual shall be allowed to subscribe for more than two hundred shares of said stock: *Provided further*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer of said company, or his subscription shall be null and void; and said payment shall in no case be withdrawn or loaned to any member of said company. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for three days, in not less than two newspapers published daily

Opening books of subscription.

Limit of subscription.

Payment on subscribing.

Meeting of stockholders.

in the city of Washington, or by written or printed personal notice to each stockholder by the secretary or clerk of the said corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Board of directors.

SEC. 13. That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, or until others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom shall constitute a quorum) shall elect one of their number to be president of the board, and who shall also be president of the company; and they shall also choose a treasurer, who shall be a stockholder, and who shall give bonds, with security, to said company, in such sum as the said directors may require, for the faithful discharge of his trust; and said board shall also elect a secretary, who shall also be a stockholder, and who shall perform such duties as usually pertain to said office. In case of a vacancy in the board of directors, by death or resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

President.

Treasurer.

Secretary.

By-laws.

SEC. 14. That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or the laws of the United States or of the District of Columbia: *Provided*, That the directors of said company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed, at such time, (after the first installment,) in such manner, and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said company; or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction; and no part of the capital paid in shall at any time be withdrawn by said company or any member thereof.

Sale of stock not paid up.

Collection of assessments by suit.

Annual meeting.

Report.

Obstruction of cars, etc.

SEC. 15. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company, in their by-laws, may prescribe; and said directors shall annually make a report of their doings to the stockholders in general meeting.

SEC. 16. That if any person or persons shall willfully and unnecessarily obstruct or impede the passage of the cars of said railway, or destroy or injure the cars, depot, stations, or other property belonging to said railway, the person or

persons so offending shall forfeit and pay for each such offense the sum of ten dollars to said company, to be recovered and disposed of as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Limitation of suit.

SEC. 17. That unless said corporation shall commence to lay the said track within four months and complete their said railway within sixteen months after the passage of this act, then this act shall be null and void, and no rights whatever shall be acquired under it.

Time for construction.

SEC. 18. That no person shall be prohibited the right to travel on any part of said road, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Exclusion from cars.

SEC. 19. That each of the stockholders in the said railway company shall be liable individually for all the debts and liabilities of the said company to an amount equal to the amount of stock held by such stockholder.

Liability of stockholders.

SEC. 20. That all the provisions of the act incorporating the Columbia Railway Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the company herein incorporated, which shall make reports as in said act required.

Act incorporating Columbia Railway Co. applied.

Approved, March 3, 1875.

AN ACT to amend the charter of the Capitol, North O street, and South Washington Railway Company. (Now The Belt Railway Company.)

May 23, 1876.

Stats. 19, p. 56.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the Capitol, North O street, and South Washington Railway Company," approved March 3d, 1875, be, and the same is hereby, amended so as to authorize and allow said company to extend its line on 4th and 11th streets west from O street to P street north, and to lay a single track and run its cars one way upon P street between 4th and 11th streets, instead of laying a double track and running its cars both ways upon O street.

Capitol, North O street and South Washington Railway Co., charter amended.

Extension of route.

Approved, May 23, 1876.

AN ACT to amend the act incorporating the Capitol, North O Street and South Washington Railway Company. (Now The Belt Railway Company.)

March 3, 1881.

Stats. 21, p. 414.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to incorporate the Capitol, North O Street and South Washington Railway Company, approved March

Capitol, North O Street and South Washington Railway; charter amended.

May remove its tracks from Ohio avenue.
Extension of route.

third, eighteen hundred and seventy-five, be, and the same is hereby, amended, so as to authorize said company, at its discretion, to remove its track from Ohio avenue and Twelfth street southwest, and lay a single or double track, and run its cars thereon, from its present line at the intersection of Ohio avenue and Fourteenth street south, along Fourteenth street to C street southwest, eastwardly along C street southwest to Virginia avenue, to connect with its present line at the junction of said avenue and street; and also to lay a single or double track from its present line on P street and Eleventh street northwest, north along said Eleventh street to Boundary street; and to lay a single or double track commencing at the intersection of C street and Eleventh street southwest, running thence south on Eleventh street to Water street south, running thence east-erly on Water street south to M street south, which point shall be the southern terminus of the road: *Provided*, That the said company shall complete the tracks and run its cars along the streets named within six months from the approval of this act.

Time for com-
pletion.

Coinciding
tracks.

SEC. 2. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway, the relative condition of the chartered rights may be adjusted upon terms to be mutu-ally agreed upon between the companies, or, in case of dis-agreement, by the supreme court of the District of Colum-bia, on petition filed therein by either party, and on such notice to the other party as the court may order.

Two-cent fare
from Bureau of
Engraving and
Printing to con-
necting lines.
(Repealed Aug.
9, 1888.)

SEC. 3. That the fare between the Bureau of Engraving and Printing and the nearest junction with any intersect-ing road shall be two cents.

Other railway
companies may
use tracks south
of Pennsylvania
avenue on equi-
table terms.

SEC. 4. That any other duly incorporated street-railway company in the District of Columbia shall have the right to run its cars over that portion of the route hereinbefore named south of Pennsylvania avenue, upon such fair and equitable terms as may be agreed upon between the said companies; and in the event that the said companies shall fail to agree upon satisfactory terms, either of said com-panies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to, and hearing of, all parties in interest; and shall have power to determine the terms and conditions upon which, and the regulations under which, the said company or com-panies using the tracks over the route before named may use and enjoy said tracks, and the amount and manner of compensation to be paid therefor.

Amendment.

SEC. 5. That Congress may at any time amend, alter, or repeal this act.

Approved, March 3, 1881.

March 1, 1883.
Stats. 22, p. 432.

AN ACT to provide for the extension of the Capitol, North O Street and South Washington Railway. (Now The Belt Railway Com-pany.)

Capitol North
O St. and South
Washington
charter
d.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capitol, North O, Street and South Washington Rail-way Company is hereby authorized to extend its line, by

laying a single or double track, and running its cars thereon, on the following streets in the city of Washington, namely: Commencing with the intersection of its present line at Eleventh and E. streets northwest, and running east along E to Ninth street; thence south along Ninth street to Louisiana avenue; thence southwest along said avenue to Ohio avenue; thence west along Ohio avenue to its intersection with its present line at the junction of Ohio avenue and Twelfth street northwest.

Extension of line.

SEC 2 That unless said extension is constructed and the cars run thereon within six months from the passage and approval of the act all rights granted hereunder shall be void: *Provided* That no new track or tracks shall be laid along Ninth street from D. to Louisiana avenue, but said company may use the tracks of the Metropolitan Street Railway Company between said points upon such terms and conditions as may be provided in the original act of incorporation of said Capitol North O. Street and South Washington Railway Company.

Completion.

No new tracks on Ninth street.

Approved March 1, 1883.

AN ACT to amend the charter of the Capitol, North O Street and South Washington Railway Company. (Now The Belt Railway Company.)

August 9, 1888.
Stats. 25, p. 399.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its tracks and run its cars thereon through and along the following named streets: Beginning at Fourteenth and B streets southwest, east along B street southwest to Twelfth street southwest, to an intersection with its present line on said Twelfth street.

Capitol North O St. and South Washington R'y; charter amended.

Extension of line.

SEC. 2. That section three of the act entitled "An act to amend the charter of the Capitol, North O Street and South Washington Railway Company," approved March third, eighteen hundred and eighty-one, be, and the same is hereby repealed.

Two-cent fare repealed.

SEC. 3. That unless said extension is completed and the cars run thereon within six months from the passage and approval of this act, the authority herein granted shall be void.

Completion.

Approved, August 9, 1888.

Deficiency bill, 1889.

March 2, 1889.
Stats. 25, p. 913.
Payment of judgment.

* * * Payment of Judgments. * * * The Capitol, North O Street and South Washington Railway Company versus John F. Cook, collector, and so forth, for one cent damages, together with \$299.73 costs. * * *

Approved, March 2, 1889.

February 18, 1893. AN ACT to change the name of the Capitol, North O Street and South Washington Railway Company.

State 27, p. 462.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of the said Capitol, North O Street and South Washington Railway Company be, and the same is hereby, changed to "The Belt Railway Company:" *Provided,* That said change shall not affect pending suits against said company nor the enforcement of existing contracts with said company.

Approved, February 18, 1893.

June 10, 1896. AN ACT to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within three months from the passage of this Act the Eckington and Soldiers' Home Railway Company and the Belt Railway Company, both of the District of Columbia, respectively, shall begin to equip those portions of their respective lines which are situated within the boundaries of the city of Washington with compressed-air motors. If after a trial of three months the said compressed-air motors shall, in the judgment of the Commissioners of the District of Columbia, prove to be in all respects a proper and satisfactory motive power for the speedy and convenient propulsion of street cars, then the said Commissioners are hereby authorized and directed to issue to the said railway companies, respectively, permits to equip their lines within the District of Columbia with such compressed-air motors; and within six months from the passage of this Act the said railway companies shall cease to use horsepower on any and all of their respective lines. In the event that the said compressed-air motors shall not be approved as herein provided for, then within eighteen months from the passage of this Act the said companies, respectively, shall construct and put into full operation on all their lines in the city of Washington the underground electric system. No extension of any of the lines in this Act provided for shall be operated by horsepower: *And provided further,* That within thirty days from the passage of this Act cars shall be regularly run over the existing tracks, beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street, according to a schedule satisfactory to the Commissioners of the District of Columbia. Neglect or failure to comply with the provisions of this section shall subject the corporation so neglecting or failing to a penalty of fifty dollars for each and every day during which such failure or neglect continues, said penalty to be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

Eckington and Soldiers' Home and Belt R'y companies' charters amended.

Shall equip line with air motors.

To cease use of horsepower within six months.

Electric underground system to be substituted if air motors prove unsatisfactory.

Horsepower not to be used on extensions.

SEC. 2. That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a street railway in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Beginning at the junction of Eighth and D streets northeast; thence by double track south along Eighth street to C street south; thence by single track as follows: west on C street south to Seventh street east; thence south on Seventh street east to M street south; thence east on M street south to Georgia avenue; thence northeast on Georgia avenue to Ninth street east; thence north on Ninth street east to C street south; thence west on C street south to Eighth street east.

SEC. 3. That said Eckington and Soldiers' Home Railway Company is authorized to increase its capital stock or to issue bonds for such amount as may be necessary to pay the actual cost of constructing and equipping the extensions hereinbefore authorized: *Provided*, That the question as to the amount to be provided for in connection with such extension and the method of providing for the same, whether by issuance of stock or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however*, That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated June first, eighteen hundred and ninety-one, and recorded in liber fifteen hundred and eighty, folio three hundred and twenty-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad, as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided*, That said Eckington and Soldiers' Home Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway; which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

SEC. 4. That the Belt Railroad Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a double-track railway, with the necessary switches and turn-outs, in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Beginning at Fourth and O streets northwest; thence north on Fourth street west to Florida Avenue; thence north crossing Florida avenue to Harewood street; thence along Harewood street to Elm street; thence west along Elm street to Linden street; thence north on Linden street to Pomeroy street; thence west on Pomeroy street to the east building line of Seventh street west extended.

Also beginning at the present terminus of the Belt Railway on Water street, near N street south; thence south along Water street to P street south by an extension of the present tracks of the Belt Railway; thence by further extension of said tracks east along P street south to Delaware avenue: *Provided*, That if there is not sufficient room for two tracks on Water street without encroaching on tracks already there, that the said Belt Line Railway Company shall purchase, at its own cost, sufficient ground to open Water street from the terminus of its line as now located along said projected route to P street.

In Water street.

Completion.

SEC. 5. That the construction of the extensions hereby authorized shall be completed within one year after the approval of this Act: *Provided*, That in case any one or more of the said extensions shall not be completed and operated regularly within the time specified, then so much of this Act as authorizes such uncompleted extensions shall be void and of no effect.

Belt Railway Co. may increase stock or issue bonds.

SEC. 6. That said Belt Railway Company is authorized to increase its capital stock or to issue bonds for such amounts as may be necessary to pay the actual cost of constructing and equipping the several extensions hereinbefore authorized: *Provided*, That the question as to the amount to be provided for in connection with each extension and the method of providing for the same, whether by issuance of stocks or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however*, That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated July thirty-first, eighteen hundred and ninety-one, and recorded in liber sixteen hundred and six, folios one hundred and ninety-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided*, That said Belt Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway, which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

Issue limited to cost of construction and equipment.

Construction.

SEC. 7. That such extensions of said railroads and each of them shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Excavations.

SEC. 8. That it shall be lawful for said railway companies and each of them, their and each of their successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said companies, or either of them, may have the right to construct and operate its road, and place in such trenches and

excavations all needful and convenient devices for machinery for operating said railroad in the manner and by the means aforesaid. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company making such trench or excavation.

SEC. 9. That each of the said corporations shall at all times keep the space between their tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct; and whenever any street occupied by either of said railways is paved and repaired or otherwise improved, the said corporation shall bear all expense of improving the spaces above described. Should either of the said corporations fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from such corporation shall be collected as provided by section five of the Act entitled "An Act providing for a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Paving.

SEC. 10. That every street-railroad corporation in the District of Columbia, and every such corporation which shall hereafter be organized, shall, on or before the first day of February in each year, make a report to each the Senate and the House of Representatives, which report shall be sworn to and signed by the president and treasurer of such corporation, and shall cover the period of one year ending the thirty-first day of December previous to the date of making the report. Such report shall state the amount of capital stock, with a list of the stockholders and the amount of stock held by each; the amount of capital stock paid in; the total amount now of funded debt; the amount of floating debt; the average rate per annum of interest on funded debt; amount of dividends declared; cost of roadbed and superstructure, including iron; cost of land, buildings, and fixtures, including land damages; cost of cars, horses, harness, and motors and other machinery; total cost of road and equipment; length of road in miles; length of double track, including sidings; weight of rail, by yard; the number of cars and of horses; the number of motors; the total number of passengers carried in cars; the average time consumed by passenger cars in passing over the road; repairs of roadbed and railway, including iron, and repairs of buildings and fixtures; total cost of maintaining road and real estate; cost of general superintendence; salaries of officers, clerks, agents, and office expenses; wages paid conductors, drivers, engineers, and motor men; water and other taxes; damages to persons and property, including medical attendance; rents, including use of other roads; total expense of operating road, and repairs; receipts from passengers; receipts from all other sources, specifying what, in detail; total receipts from

Annual report.

all sources during the year; payments for maintenance and repairs; payments for interest; payments for dividends on stock, amount and rate per centum; total payments during the year; the number of persons injured in life and limb; the cause of the injury, and whether passengers, employees, or other persons.

Fare.

SEC. 11. That each of said companies shall receive a rate of fare not exceeding five cents per passenger, and the said companies, and each of them, shall make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

**Amendment,
etc.**

SEC. 12. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 10, 1896.

BRIGHTWOOD RAILWAY COMPANY.

AN ACT to incorporate the Brightwood Railway Company of the District of Columbia.

October 18, 1888.

Stats. 25, p. 560.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That **Brightwood Railway Co. incorporated (amended).**
M. M. Parker, A. A. Thomas, C. M. Anderson, C. B. Pearson, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name of the Brightwood Railway Company of the District of Columbia, and may make and use a common seal, and by that name may sue and be sued, plead and be impleaded, with authority to construct and lay down a single or with the approval of the Commissioners of the District a double track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections, necessary to operate the same by horse, cable, or electric power, in the District of Columbia, through and along Brightwood avenue, from Boundary street to the boundary-line of the District of Columbia, with the right to run public carriages thereon propelled by horse, electric, or cable power. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street-railway company in the District of Columbia, both companies shall use the same tracks, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable-power, or such other motive power as it shall use to propel its own cars with on the routes prescribed in this act, and may repair and construct such proportions of its road as may be upon the line or route or routes of any other road thus used; and in case of any disagreement regarding such construction or repairs, with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding five cents for each passenger, for each continuous ride between all points of its line, but shall sell six tickets for twenty-five cents: *Provided*, If electric wires or cables are used the same shall be placed under ground:

Motive power.

Route (extended).

Coinciding tracks.

Compensation for use.

Motive power on other tracks.

Disagreement as to repairs.

Fare.

Wires to be under ground (re-pealed).

Annual report.

SEC. 2. That the said railway company shall, on or before the fifteenth of January of each year, make a report to

Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars and motive power, for each year, four per centum of its gross earnings upon its traffic, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments upon its personal property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District, provided its tracks shall not be taxed as real estate.

Taxes

Construction. SEC. 3. That the said railway shall be laid upon such part of the road as may be designated by the Commissioners of the District, and must be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the District, laid upon an even surface with the pavement of the street, and in such a manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

Paving SEC. 4. That the said corporation shall, at its own expense, keep its tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved and in good repair, so as to impede the general travel as little as possible.

Repairs.

Changes of grade. SEC. 5. That in the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the tracks of this corporation it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established at its own expense.

Excavations. SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections, in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be

required by the Commissioners of the District of Columbia; it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, subject to the approval of the Commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operations of an electric or cable-motor railroad. ^{Engine houses, etc.}

SEC. 7. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding fifteen miles per hour; and for each violation of this provision said corporation, its successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia. ^{Speed.}

SEC. 8. That the said railway shall be commenced within three months and completed to Brightwood within twelve months from the passage of this act; and the entire line to be completed in two years from the passage of this act. ^{Commencement and completion.}

SEC. 9. That the capital stock of said company shall not exceed, if horse power is to be used, sixty thousand dollars. If electric motor power is to be used, the capital stock shall not exceed one hundred and two thousand dollars. If propelled by cable, the capital stock shall not exceed two hundred and four thousand dollars; that the stock shall be divided into shares of fifty dollars each, transferable in such manner as the by-laws of said company may direct; and said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of said road; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment; and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder, and the sale shall be conducted under such general regulations as may be made in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber, in any court of competent jurisdiction. ^{Capital stock.} ^{Payments.} ^{Failure to pay assessments.}

SEC. 10. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a table or schedule fixed by the company, a copy of which shall be filed with the Commissioners of the District of Columbia and approved by them. ^{Cars.} ^{Equipment.}

SEC. 11. That the company shall buy, lease, or construct such passenger-rooms, ticket-offices, workshops, depots, ^{Time-table.} ^{Shops, depots, etc.}

lands, and buildings as may be necessary at such points on its line as may be approved by the Commissioners of the District.

Lost articles.

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remains unclaimed for one year the company may sell the same after five days' notice.

Organisation.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided, That every subscriber shall pay, at the time of subscribing, ten per centum*

Payment at time of subscribing.

of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: Provided further, That nothing shall be received in

Payments to be in money.

payment of the ten per centum, at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two newspapers published daily in the city of Washington, and by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

First meeting of stockholders.

Government of the company.

SEC. 14. That the government and direction of the affairs of the company shall be vested in a board of nine directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bonds with good and sufficient surety to said company in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy

in the board of directors by death, resignation, or otherwise the vacancy so occasioned shall be filled by the remaining directors.

SEC. 15. That the directors shall have the power to make such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business, not contrary to this charter or to the laws of the United States and the ordinance of the District of Columbia.

By-laws.

SEC. 16. That there shall be an annual meeting of the stockholders to choose directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Annual meeting.

SEC. 17. That said company shall have at all times the free and uninterrupted use of its road-way; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Free use of roadway.

SEC. 18. That said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

Crossings.

SEC. 19. That Congress reserves the right to alter, amend, or repeal this act.

Amendment.

Approved, October 18, 1888.

AN ACT to amend an act entitled "An act to incorporate the Brightwood Railway Company of the District of Columbia."

July 26, 1892.

Stats. 27, p. 270.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter granted to the Brightwood Railway Company by an act of Congress approved October eighteenth, eighteen hundred and eighty-eight, be, and the same is, amended as follows:

Brightwood Railway Co., charter amended.

"That within six months from the date of the approval of this act, the said Brightwood Railway Company shall equip and operate its existing line with the overhead trolley system of electric motive power, and shall thereafter maintain

Overhead wires.

- Cars.** the road in first-class condition. That the road shall be supplied entirely with new cars of the most approved pattern, which shall be run as the public convenience shall require, but not less frequently than one car every fifteen minutes from each end of the line, between five o'clock ante meridian and twelve o'clock midnight.
- Extension of tracks to District line.** "SEC. 2. That within twelve months from the date of the approval of this act the said Brightwood Railway Company shall extend its tracks to the District line, as provided in the original charter of said company, and shall operate the new portion of the line in the same manner and under the same conditions as hereinbefore provided for the operation of those portions of the road already built. The said company shall also construct and maintain a branch line, beginning at a point, to be located by the Commissioners of the District of Columbia; west of the Baltimore and Ohio Railroad track on Fifth street in Takoma Park; thence along Fifth street to Umatilla street; thence west along Umatilla street to and across Piney Branch road, and thence to Brightwood avenue by such route as the Commissioners of the District of Columbia shall approve. Said branch line shall be operated by the overhead trolley system; and when the company lays its double track from Brightwood to Takoma Park said tracks shall be laid on one side of the said road; the cars used shall be first-class in every respect, and the schedule of the running of cars shall be subject to the approval of the District Commissioners, but cars shall be run as often as one every fifteen minutes between the hours of five o'clock ante meridian and twelve o'clock midnight. Work on the said branch road shall be begun within two months and completed, with cars running thereon, within one year from the date of the approval of this act.
- To Takoma Park.**
- Cars.**
- Schedule.**
- Commencement and completion.**
- Condemnation of land required.** "SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding one hundred feet in width, for its roadway, and of so much as may be necessary for buildings, and so forth, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.
- Forfeiture clause.** "SEC. 4. That any failure to comply with any of the provisions of this act shall work a forfeiture of the original charter of the said Brightwood Railway Company. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
- Amendment and repeal.** "SEC. 5. That Congress reserves the right to alter, amend, or repeal this act."
- Approved, July 26, 1892.

AN ACT to amend the charter of the Brightwood Railway Company of the District of Columbia. Feb. 27, 1893.
Stats. 27, p. 490.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Brightwood Railway Company of the District of Columbia Brightwood
Railway may
construct branch
line.
is hereby authorized to construct, equip, and operate, with the overhead trolley system of electric motive power, a branch line of road and to run its cars thereon through and along the following-named roads or streets in the District of Columbia:

Beginning at the intersection of the Rock Creek Church road and Richmond street, in the subdivision of Petworth, and running thence westerly along said Richmond street to Brightwood avenue; thence Southerly along the present tracks of the said Brightwood Railway on said Brightwood avenue, to the intersection of Marshall street with said Brightwood avenue; thence westerly along and over said Marshall street to Kenyon avenue; thence along said Kenyon avenue westerly to Fourteenth street. Route.

SEC. 2. That work on said branch road shall be begun within six months and completed—with cars running thereon—within one year from the date of the approval of this act. (And said branch road shall be supplied with new cars of the most approved pattern, which shall be run as the public convenience may require, and said branch road shall be maintained in first-class condition.) And said Brightwood Railway Company shall charge not exceeding five cents fare for one continuous ride from any point on its line to the terminus of its main line or any of its branches. Commence-
ment and com-
pletion.

Cars.

Fare.

SEC. 3. That for the purpose of constructing and equipping its said branch line, as provided for in this act, the said Brightwood Railway Company is hereby authorized and empowered to issue its bonds to aid in paying for such construction and equipment of its said branch line, and to secure the said bonds by mortgage or deed of trust of its right of way and all of its property of whatsoever kind, whether real, personal, or mixed, on said branch line: *Provided*, That the moneys raised on said bonds shall be used and expended only for the construction and equipment of said branch line: *And provided further*, That the amount of said bonds shall not exceed the actual cost of the right of way, construction, and equipment, motive power, and such land and buildings as may be necessary to the practical and complete operation of said branch line. Bonds.

Use of pro-
ceeds.

Limit of bond
issue.

SEC. 4. That, should any part of the branch line of said Brightwood Railroad herein provided for coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracts shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District, and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District Coinciding
tracks.

Terms of use.

of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

Land for road-way and buildings. SEC. 5. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said branch line may be located to pass or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of said company of so much of said land as may be required, not exceeding one hundred feet in width, for its roadway, and of so much as may be necessary for buildings, and so forth, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Charter amended. SEC. 6. That this act shall be considered as an amendment to the act approved October eighteenth, eighteen hundred and eighty eight, granting a charter to the Brightwood Railway Company, and shall be construed as being subject to all the powers, privileges, limitations, and conditions of said original act, except as specifically provided otherwise herein.

SEC. 7. This act may be altered, amended or repealed by Congress at any time, at its discretion.

Approved, February 27, 1893.

CAPITAL RAILWAY COMPANY.

AN ACT to incorporate the Capital Railway Company.

March 2, 1895.

Stats. 28, p. 721.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John B. Stetson, Augustus Burgdorf, Clarence F. Norment, Arthur E. Randle, Harry Upson Sims, Henry C. Longnecker, W. Frederick Snyder, Joseph B. Lewis, and William Henry Randle, of _____, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Capital Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices in the District of Columbia, and run cars thereon for carrying passengers, parcels, milk, and truck by and along the following route: Beginning at a point on the District line near the Potomac River, south-east of Shepherds Ferry, thence north by such route as shall be approved by the District Commissioners to the south side of the Eastern Branch or Anacostia River, thence across the same by transfer ferry to First street or South Capitol street, as may be approved by the District Commissioners, to M street, over the same route to the beginning; also commencing at Anacostia railroad tracks and Harrison street, Anacostia; thence along Harrison street and Good Hope Road, Good Hope Road extended, to the District line, and return over same route. These routes may be modified or extended at the will of Congress, and the Capital Railway Company shall comply with such modifications or extensions.

Capital Rail-
way Co., incorpo-
rated (amended).

Authorized to
carry passengers,
parcels, milk,
and truck.

Route (amend-
ed).

Ferry (repeal-
ed).

SEC. 2. That whenever the roadway of any street occupied by the Capital Railway Company is widened, one-half of the cost of widening and the improvement of such widened part shall be charged to the said railway company, and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Widening of
streets.

SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road.

Route along
country road.

Construction. SEC. 4. That the said railway shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be approved by the Commissioners of the District of Columbia.

Paving. SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia, or their successors, may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Lights. SEC. 6. That if the said railway be operated by overhead wires, the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

Change of grade. SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewerage thereof; in such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Excavations. SEC. 8. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permission of the District Commissioners therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

Deposit for water mains. SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States, to the credit of the Washington Aqueduct, such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspec-

tion of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of its railroad. Engine houses,
etc.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within three years from date of the passage of this Act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this Act shall immediately cease and determine. Commencement
and completion
(modified).

SEC. 12. That the said company may run public carriages propelled by cable, electric, or other mechanical power; but nothing in this Act shall allow the use of steam power in locomotives, or of overhead trolleys within the limits of the city: *Provided*, That if electric power by trolley be used, that the said company shall be liable for all damages made thereby to subsurface metal pipes, and to other public and private property: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route, and shall have the right to construct ferry slips and to operate and maintain a steam transfer ferry from a point at or near the foot of South Capitol street to the opposite shore of the Anacostia River, for the purpose of transferring its passengers, and so forth, or cars, subject to the approval of the Commissioners of the District of Columbia: *Provided further*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use Motive power.

Damage to
pipes, etc., by
electrolysis.

Crossings.

Ferry slips and
ferry.

Coinciding
routes.

such tracks in common upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Passenger
houses.

Cars.

Time-table.

Penalty.

Speed.

Ice and snow.
Use of tracks.

Organization of
company.

SEC. 13. That the said company shall furnish and maintain passenger houses, as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table to be subject to the approval of the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

SEC. 15. That within thirty days after the passage of this Act the incorporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said com-

pany and for the receiving of subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum in cash of the amount by him subscribed to the treasurer appointed by the corporation, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of the subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

10 per cent to be paid on stock.

Corporators to call meeting of stockholders.

SEC. 16. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, who shall give bond with surety to said company, in such sums as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director the vacancy occasioned thereby shall be filled by the remaining directors.

Government of company vested in directors.

Officers.

SEC. 17. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

By-laws.

SEC. 18. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time in the District of Columbia, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Annual meeting of stockholders.

SEC. 19. That said company is hereby authorized to issue its capital stock to an amount not to exceed the estimated cost of the construction and equipment of the road in shares of fifty dollars each, and to issue bonds not to exceed the cost of construction of the road, but such stock and bonds shall not exceed in the aggregate more than the actual cost

Capital stock limited.

- of the right of way, construction, and equipment of said road. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after seasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction: *Provided*, That no certificates of stock shall be issued until the same has been paid for in money at its face value.
- How to be paid in.** SEC. 20. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.
- Sale of stock in default.** SEC. 21. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of
- Articles left in cars.**
- Annual report to Congress.**
- Taxes.**

its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That its tracks shall not be taxed as real estate.

SEC. 22. That said company may receive a rate of fare Fare. not exceeding five cents per passenger; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

SEC. 23. That the said company shall have at all times Free use of roadway. the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each Penalty for interference. such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 24. That the Capital Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction. Crossings.

SEC. 25. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars Ejection from cars. by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 26. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding twenty feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That any property owner shall have the right of trial by jury in such issue. Condemnation of land.

SEC. 27. That should the Capital Railway Company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, all rights, franchises, and privileges herein granted shall cease and determine. Commencement and completion.

Location of
tracks, etc., to be
approved by
Commissioners.

Deposit with
collector of taxes.

Conditions,
etc., shall be com-
plied with.

Repeal, etc.

SEC. 28. That all plans of location and construction of tracks and other structures in public places pertaining to said railway shall be subject to the approval of the Commissioners of the District of Columbia, and all work thereof shall at all times be subject to their supervision. The said company shall, from time to time, deposit with the collector of taxes of the District of Columbia such amounts as may be deemed necessary by said Commissioners to cover the costs of inspection, supervision, changes to water pipes and sewer connections, changes of curb and pavement, and work not otherwise provided for, which may be made necessary by the location, grade, or underground conduits of said railway. Any unexpended balance remaining after construction of said road shall be returned to said company with an account in full of the disbursement of such deposits.

SEC. 29. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Capital Railway Company shall be complied with by any and all the successors to and assigns of said company.

SEC. 30. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, March 2, 1895.

May 28, 1896.

AN ACT to amend an act entitled "An act to incorporate the Capital Railway Company," approved March second, eighteen hundred and ninety-five.

Capital Rail-
way Co.; charter
amended.

Route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Capital Railway Company," approved March second, eighteen hundred and ninety-five, be, and the same is hereby, amended by striking out in the first section all after the words "have a common seal," to the end of the section, and inserting the following: "Said corporation is hereby authorized to construct and lay down and complete a single or double track street railway in the District of Columbia, and run cars thereon for carrying passengers by and along the following route: Beginning at a point on the District line near the Potomac River southeast of Shepherd's Ferry, thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard bridge; thence across said bridge to Eleventh street east; thence north on Eleventh street east to M street south; thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the line of the Capital Traction Company, also continuing from said Eleventh and M streets north on Eleventh street to the south building line of East Capitol street, and returning over the same route to the point of beginning. Also, beginning at the western end of the Navy-Yard bridge, extending along Monroe and Harrison streets and Third Street, and then Third Street to the District line, over such route as the District Commis-

sioners shall approve, and returning over the same route to the point of beginning: *Provided*, That within the city of Washington a double-track railway shall be constructed: *Provided further*, That the line of said railway company shall be commenced within three months and completed within one year from the date of the passage of this Act, with the exception mentioned in section four of this Act.”

Double tracks
in city.

Commence-
ment and com-
pletion.

SEC. 2. That the motive power to be used on the lines in this Act specified shall be the underground electric system within the city of Washington and the overhead trolley system outside the city of Washington. For crossing the Navy-Yard bridge the said company may, in the discretion of the Commissioners of the District of Columbia, use either horse power or the underground electric system to propel its cars; and the said company shall have the privilege of carrying an electric current across the said Navy-Yard bridge in such manner as the said Commissioners of the District of Columbia shall prescribe.

Motive power.

SEC. 3. That the Capital Railway Company, the Metropolitan Railroad Company, and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

Free transfers
with Metropol-
itan and Capital
Traction com-
panies.

SEC. 4. That the portions of the company's route from Congress or Pencote Heights to Shepherd's Landing and the Harrison street branch east to the District line shall be completed within two years from the passage of this Act: *Provided*, That failure to complete the said portions of the routes as provided for in this section, and, also, failure to complete the extension on Eleventh street east shall operate to repeal the authority to build said portions, and shall not repeal the charter of said company.

Branch to
Shepherd's Land-
ing and District
line.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this Act.

Amendments,
etc.

Approved, May 28, 1896.

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**CAPITAL TRACTION COMPANY (EMBRACING THE ROCK CREEK
RAILWAY COMPANY AND THE WASHINGTON AND GEORGETOWN
RAILROAD COMPANY).**

*AN ACT to incorporate the Washington and Georgetown Railroad Company. (Now the Capital Traction Company.) May 17, 1862.

U. S. Stats., vol.
12, p. 388.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Eliab Kingman, Franklin Tenney, J. J. Coombs, Sayles J. Bowen, Charles H. Upton, Henry Addison, Hallett Kilbourne, and their associates and assigns be, and they are hereby created a body corporate, under the name of the "Washington and Georgetown Railroad Company," with authority to construct and lay down a double track railway, with the necessary switches and turnouts, in the cities of Georgetown and Washington, in the District of Columbia, through and along the following avenues and streets: Commencing on Bridge street, at the intersection with High street, or at such point on said Bridge street east thereof, in the city of Georgetown, as may be designated hereafter by the corporate authorities thereof, along said Bridge street to its intersection with the street running to the tubular bridge over Rock creek to Pennsylvania avenue, in the city of Washington; along said avenue to Fifteenth street west; along said street south to said avenue; along said avenue to the foot of the Capitol grounds; thence around the southern boundary of the Capitol grounds; and along their southern boundary easterly to Pennsylvania avenue; along said Pennsylvania avenue to Eighth street east, or Garrison street; and along said street south to the Navy Yard gate, with a lateral road running along the eastern front of the Capitol from the southern to the northern gate, and thence by "A" street to the depot of the Baltimore and Ohio railroad; and thence from said depot through First street west to Pennsylvania avenue, so as to intersect with said main road; also a double or single track branch railway, commencing at Boundary street north and running down Seventh street west to Pennsylvania avenue and to the Potomac; also, a railway commencing at Boundary street and running down Fourteenth street west and New York avenue to Pennsylvania avenue to a point of intersection with said first-mentioned railway, with the right to run public carriages thereon drawn by horse-
Washington and Georgetown Railroad Company incorporated (amended).

Route (extended).

Horse power.†

* Merged into the Capital Traction Company, under authority of Act of Congress, approved March 1, 1895.

† Motive power changed to cable, under authority of act of Congress approved March 2, 1889.

power, receiving therefor a rate of fare not exceeding five cents a passenger for any distance between the termini of either of the said main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of said road shall be subject to the municipal regulations of the cities of Washington and Georgetown, respectively, within their several corporate limits; and that whenever the Capitol grounds shall be enlarged, then the said routes shall be made to conform thereto.

Use of road
subject to mu-
nicipal regula-
tions.

Taxation.

SEC. 2. *And be it further enacted*, That said roads shall be deemed real estate, and they, together with other real property and the personal property of said body corporate, shall be liable to taxation as other real estate and personal property in the cities aforesaid, except as hereinafter provided.

Railway—how
to be laid.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centre of the avenues and streets, as near as may be, without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved patterns, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets; and the space between the two tracks shall not be less than four feet nor more than six feet, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Baltimore and Ohio Railroad.

Tracks to be
kept in order by
the company.

SEC. 4. *And be it further enacted*, That the said corporation, hereby created, shall be bound to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States or to the cities of Georgetown and Washington.

Grade to be al-
tered when re-
quired.

SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the Government, at any time, at their option, from altering the grade or otherwise improving Pennsylvania avenue, and such other avenues and streets as may be occupied by said roads, or the cities of Washington and Georgetown from so altering or improving such streets and avenues as may be under their respective authority and control, and in such event it shall be the duty of said company to change their said railroad so as to conform to such altered grade and pavements.

Act may be al-
tered, repealed,
etc.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Not to issue
notes, etc., as
currency.

SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

Capital stock.

SEC. 8. *And be it further enacted*, That the capital stock of said company shall be not less than three nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed

personal property, transferable in such manner as the by-laws of said company may direct.

SEC. 9. *And be it further enacted,* That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every five minutes, except as to Seventh and Fourteenth streets, and on these once in fifteen minutes each way, and until twelve o'clock at night as often as every half hour; and throughout day and night as much oftener as public convenience may require.

Cars.

Schedule.

SEC. 10. *And be it further enacted,* That said company shall procure such passenger rooms, ticket offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

Passenger rooms, stables, etc.

Tracks between stables and depots.

Lands for depots, etc.

SEC. 11. *And be it further enacted,* That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to their principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Articles left in cars.

SEC. 12. *And be it further enacted,* That said corporation shall, on demand of the President of the United States, Secretary of War, or Secretary of the Navy, cause to be transported over said railway any freight cars laden with freight for the use of the United States; the officers causing such service to be done shall pay a reasonable compensation therefor.

Use of road by Government.

SEC. 13. *And be it further enacted,* That within five days after the passage of this act the corporators named in the first section, or majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided,* That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If at the end of two days a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section

Books of subscription.

Advertisement.

Payment at time of subscribing.

- Apportionment of stock.** shall forthwith proceed to apportion said capital stock among the subscribers pro rata, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day that the books are closed: *Provided, further,* That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money or checks or certificates of deposit endorsed "good" by the president or cashier of some good solvent bank or banks. And when the books of subscription to the capital stock of said company shall be closed,
- First meeting of stockholders.** the incorporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers, published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.
- Directors.** SEC. 14. *And be it further enacted,* That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year and till others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.
- Officers.**
- By-laws, rules, etc.** SEC. 15. *And be it further enacted,* That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the Charter, or to the laws of the United States, and the ordinances of the cities of Washington and Georgetown.
- Annual meeting.** SEC. 16. *And be it further enacted,* That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders and to Congress.
- Report.**
- Municipal officers not to obstruct road, etc.** SEC. 17. *And be it further enacted,* That the Mayor, Common Council, and the several officers of the Corporation of the cities of Georgetown and Washington, and the said Corporations are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railroad, as herein authorized.

SEC. 18. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of their road-way, and if any person or persons shall wilfully and unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars to said company, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid, but no suit shall be brought unless commenced within sixty days after such offence shall have been committed. Free use of roadway.

SEC. 19. *And be it further enacted*, That unless said corporation shall make and complete their said railways between the Capitol and Georgetown within sixty working days from and after the company shall have been organized, and from the Capitol to the Navy Yard within sixty days thereafter, and on said Seventh street, and from said Boundary street, on Fourteenth street, to the point of intersection as aforesaid, within six months from the approval of this act, then this act shall be null and void and no rights whatsoever shall be acquired under it. Time for completing.

SEC. 20. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith. Repeal of inconsistent laws.

Approved, May 17, 1862.

AN ACT to amend the charter of the Washington and Georgetown Railroad Company. June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Georgetown Railroad Company shall have the right to extend their horse railway on any public highway in the county of Washington, commencing at the present terminus of either of their roads, extending north from 7th and 14th streets, and from the Capitol square to Maryland avenue; and extending north from the eastern extremity of that avenue, first having obtained the consent of the Levy court therefor; and may charge additional fare of five cents for every three miles on each branch so extended, for each and every passenger conveyed upon any road constructed in said county of Washington, outside of the limits of the cities of Washington and Georgetown: *Provided*, That nothing herein contained shall be construed so as to prevent Congress from regulating the fare on either of said roads, or altering or amending the original charter of said company, or this amendment thereto, according to the provisions of said original charter. U. S. Stats., vol. 13, p. 322.
W. and G. R. R. Co.
Extension of road on 7th and 14th sts. extended.
Additional fare.

Approved, June 30, 1864.

July 8, 1870.

AN ACT to provide for the paving of Pennsylvania avenue.

U. S. Stats., vol.
16, p. 196.W. and G. R. R.
Co. to pay certain
portion for pav-
ing Pennsylvania
avenue.

SEC. 3. *And be it further enacted*, That the cost of laying down said pavement shall be borne and paid for in the following proportions: By the Washington and Georgetown Railroad Company for that portion of the work lying between the tracks of their road, and for a distance of two feet on each side thereof; * * * The said railroad company shall have the right to select the material with which the pavement between the rails and between the tracks shall be made: *Provided*, That the said pavement on said tracks shall be made to the satisfaction of the commissioners.

* * * * *

Approved, July 8, 1870. .

April 20, 1871.

Deficiency bill, 1871.

U. S. Stats. 17,
p. 10.W. and G. R. R.
Co. to pay certain
portion of pave-
ment of Pennsylv-
ania avenue.

That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, for the purpose of repairing and relaying, where necessary, the pavement on Pennsylvania avenue from 15th street to the east side of Rock creek: *Provided*, That a like sum shall be expended for the same purpose by the proper authorities of the District of Columbia: *And provided further*, That the Washington and Georgetown Railroad Company shall in like manner repair such portion thereof as they are by their charter required to do; the work to be done under the supervision of the board of public works for the District of Columbia.

* * * * *

Approved, April 20, 1871.

May 8, 1872.

Legislative, executive, and judicial appropriation act, 1873.

U. S. Stats. 17,
p. 84.W. and G. R. R.
Co. must move
tracks from Cap-
itol Grounds.

SEC. 12. That the Washington and Georgetown Railroad Company and the Metropolitan Railroad Company be, and they are hereby required to remove their tracks, respectively, from the Capitol grounds, as hereby established, and to run the same as they may be directed, from time to time, by the officer in charge of the public buildings and grounds, as the grading and filling up of said grounds may render necessary. That a commission, consisting of the Secretary of the Interior, the chief engineer of the army, and the officer in charge of public buildings and grounds, is hereby authorized and directed to examine and report to Congress, prior to the second Monday of December next, a plan by which the locomotive railroad track in front of western entrance of the Capitol shall be removed, with due regard to the rights of all parties concerned, and by which proper connections with other railroads may be made.

* * * * *

Approved, May 8, 1872.

Legislative, executive, and judicial appropriation act, 1876.

March 3, 1875.

* * * and further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol Grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol Grounds.

U. S. Stats. 18,
p. 385.
W. and G. R. R.
Co. must move
tracks from Cap-
itol Grounds.

* * *
Approved, March 3, 1875.

Legislative, executive, and judicial appropriation act, 1876.

March 3, 1875.

* * * *And provided further*, That the chief engineer [of the Washington Aqueduct] is hereby directed to notify the Washington and Georgetown Railway Company to remove their railway track from the Washington Aqueduct bridge over Rock Creek, within one year from the date of said notice; and said company shall make such removal within the year aforesaid, and have the right to lay their tracks along 26th street from Pennsylvania avenue to M street north, and thence along M street into Georgetown, to connect with their tracks on Bridge street; and said chief engineer may establish and publish regulations prohibiting the passage of heavily loaded wagons and carriages over said bridge. * * *

U. S. Stats. 18,
p. 393.
W. and G. R. R.
Co. must remove
tracks from
Aqueduct Bridge
over Rock Creek.

Right to lay
tracks on 26th st.
and M st.

Approved, March 3, 1875.

AN ACT to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872.

March 3, 1875.

U. S. Stats., vol.
18, p. 510.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Georgetown Railroad Company may extend its tracks in Washington City, District of Columbia, from 7th street west, down Water street, to the intersection of P street south; thence along said P street to the west side of the Arsenal gate: *Provided*, That wherever the foregoing route may coincide with the route of the Anacostia and Potomac River Railroad, on Water street or elsewhere in the District, or connect portions of such route, but one set of tracks shall be used by both companies; which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the tracks of such other street railroad company,

W. and G. R.
R. Co.
Extension of
track.

Coinciding
with route of
Anacostia and
Potomac River
R. R.

Terms of joint
use.

and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and dropping of passengers: *And provided further*, That said railroad track shall conform to the grade established by the board of public works of the District of Columbia.

Approved, March 3, 1875.

July 19, 1876. AN ACT authorizing the repavement of Pennsylvania avenue.

U. S. Stats. 19,
p. 92.

W. and G. R.
R. Co. shall pave
between the rails
and tracks of its
road.

May use cob-
blestone or Bel-
gian rock.

* * * * *

The Washington and Georgetown Railroad Company shall bear all of the expense for the portion of the work lying between the exterior rails of the tracks of the road, and for a distance of two feet from and exterior to the track on each side thereof, and of keeping the same in repair; but the said railroad company, having conformed to the grade established by the Commissioners, may use cobblestone or Belgian rock in paving their tracks, or the space between their tracks, as the Commissioners shall direct.

* * * * *

Approved, July 19, 1876.

August 6, 1890

District appropriation bill, 1891.

U. S. Stats. 26,
p. 310.

W. and G. R.
R. Co.
Changing mo-
tive power may
increase issue of
stock.

Must dispense
with horses in
two years.

Motive power.

Certain lines re-
quired to change
over.

* * * * *

SEC. 3. That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed, to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the President of said Company, and filed with the Commissioners of the District. And any company availing itself of the privileges herein granted shall within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the District of Columbia, approved March second, eighteen hundred and eighty-nine, or pneumatic or other modern motive power which shall be approved by the Commissioners of the District of Columbia, but nothing in this act contained shall in any wise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown

or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all its lines within two years from the date of this act, such company shall forfeit its corporate franchise.

Approved, August 6, 1890.

Deficiency bill, 1891.

March 3, 1891.

To the Washington and Georgetown Railroad Company, three hundred and thirty-three dollars and fifteen cents costs; and the Washington and Georgetown Railroad Company, of the District of Columbia, shall pay to the District of Columbia, within eighteen months from the approval of this act, the full amount of the judgment that was rendered against the said company by the supreme court of the District of Columbia at the suit of the said District, in cause number twenty-two thousand four hundred and fifty-seven, at law, on the dockets of said court, with the cost of said cause and interest on said amount from the date said judgment was rendered until paid, and that upon the failure of the said company so to pay said amount, costs, and interest within the time aforesaid, the charter of the said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine: * * *

U. S. Stats. 26,
p. 869.

W. and G. R. R.
Co. to pay cer-
tain judgment.

Approved, March 3, 1891.

District appropriation bill, 1893.

July 14, 1892.

CARE OF BRIDGES: For ordinary care of bridges, including keepers, oil, lamps, and matches, five thousand dollars; for construction and repairs of bridges, fourteen thousand dollars; in all, nineteen thousand dollars. That the Washington and Georgetown Railroad Company is hereby required to repair the bridge across Rock Creek at M street northwest at a cost not exceeding ten thousand dollars, said repairs to be made under the direction of the Engineer Commissioner of the District of Columbia and in accordance with plans and specifications to be prepared by him. * * *

U. S. Stats. 27,
p. 158.

W. and G. R. R.
Co. to repair M
street bridge.

Approved, July 14, 1892.

AN ACT to amend an act entitled "An act to incorporate the Wash-
ington and Great Falls Electric Railway.

August 23, 1894.

U.S.State.28,p.—

SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comforta-

W. & G. R. R.
Co. shall build
union trans-
fer station
near Aqueduct
bridge.

Commissioners shall regulate use of.

Land for station.

Time for completion.

ble transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to settle any differences which may arise between the companies using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than one hundred and twenty feet west on the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this Act the said Washington and Georgetown Railway Company shall complete the said station and shall extend its tracks on M street northwest to a point not less than one hundred and twenty feet west of Thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

Approved, August 23, 1894.

June 23, 1888. AN ACT to incorporate the Rock Creek Railway Company of the District of Columbia. (Now the Capital Traction Co.)*

State. 25, p. 109.

Rock Creek Railway Company incorporated (amended).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gardiner G. Hubbard, George Truesdell, Samuel W. Woodward, Otis F. Presbrey, John F. Waggaman, Benjamin K. Plain, John Ridout, Albert F. Stevens, Le Roy Tuttle, Lawrence Sands, Edward C. Dean, James B. Wimer, Samuel S. Shedd, Le Roy Tuttle, junior, Robert J. Fisher, junior, and Pitman Mann, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic under the name of the Rock Creek Railway Company of the District of Columbia, and may make and use a common seal, and by that name sue and be sued, plead and be impleaded, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices, and sewer connections necessary to operate the same, by horse, cable, or electric power, in the District of Columbia, through and along the following streets, avenues, and roads; Beginning for the main line of said road at the intersection of Connecticut avenue and Boundary street; thence along the middle of Columbia Road to Woodley Road; thence along Woodley Road by single track on west side thereof to Woodley

* Merged into the Capital Traction Company, under authority of act of Congress approved, March 1, 1895."

Park; thence diverging from Woodley Road through said park by such route as may be satisfactory to the owners of said park, and subject to the approval of the Commissioners of the District of Columbia, to the westerly line of said park, and returning by the aforesaid route through Woodley Park to the intersection of Woodley Road and Connecticut avenue extended; thence along Connecticut avenue extended to California avenue, formerly Oakland avenue; thence along California avenue to its intersection with Columbia Road, and thence along Columbia Road to the place of beginning; also with the privilege of building and constructing a branch of said road from the westerly line of said Woodley Park near Woodley Road to its intersection with the Tenallytown Road, returning over the same route and connecting at said westerly line of Woodley Park with the main line of said road. Said company shall receive a rate of fare not exceeding five cents for each passenger for each continuous ride between all points of its main and branch lines, but shall sell tickets in packages of six each for not exceeding twenty-five cents per package. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, subject to approval by the Commissioners, laid upon an even surface with the pavement of the street or road, imbedded in concrete where the same passes over the surface of the paved streets of the District of Columbia, with the gauge to be approved by the Commissioners of the District of Columbia. The track of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation in good repair, at its own expense, and subject to the approval of the Commissioners aforesaid; and if the corporation shall fail to make the necessary repairs within ten days after notice by the Commissioners of the District of Columbia, the repairs shall be made by the said Commissioners, and the cost of such repairs be recovered by the Commissioners before any court of competent jurisdiction, and the amount so paid by the Commissioners shall be a lien upon all property of said company from the time that said repairs are made until paid by said company. It shall be lawful for said corporation, its successors or assigns, to operate its said road by horse, cable, or electric power, and to make all needful and convenient trenches and excavations and sewer connections in any of said streets, roads, or places where said corporation may have the right to construct and operate its road, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the Commissioners. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the

Fare.

Construction.

Paving.

Repairs.

Motive power.

- Engine houses, etc.** Commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operation of a cable or electric motor railroad. The rate of speed on said road shall not exceed fifteen miles an hour. The work upon the main line of said road shall be commenced within ninety days and the same shall be completed within one year from the date of the passage of this act, and the work upon the branch line thereof shall be commenced within one year and completed within two years from the said date; and if the said work on the main line of said road shall not be so commenced and completed, then the privileges and powers herein granted to said corporation shall be void. The corporators herein named or the corporation hereby created shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided.
- Speed.**
- Commencement and completion.**
- Capital stock.** SEC. 2. That the capital stock of said company shall not exceed, if horse-power is to be used for main line, thirty-two thousand dollars, which may be increased when work is commenced on the branch eleven thousand dollars. If electric motor power is to be used, the capital stock for the main line shall not exceed sixty thousand two hundred and fifty dollars, which may be increased when work is commenced on the branch twenty thousand dollars. If cable power is to be used, the capital stock for the main line shall not exceed one hundred and twenty-two thousand dollars, which may be increased when work is commenced on the branch forty thousand dollars, in shares of fifty dollars each. Said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by
- Subscriptions.** the corporators, the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and twenty per centum each thirty days thereafter until fifty per centum thereof shall have been paid, the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors after ten days notice, in writing, of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments (and the person who offers to purchase the least number of shares for the assessment due), shall be taken as the highest bidder, and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall
- Equipment.** run cars thereon as often as the public convenience may
- Cars, etc.**

require, in accordance with a schedule or time-table to be adopted by said board of directors, a copy of which shall be filed with the Commissioners of the District of Columbia, and to be approved by them, and shall not take on any of its cars more passengers than can be accommodated, and shall cause its cars to be heated during the winter season, subject to regulations to be prescribed by the Commissioners of the District of Columbia. The said company shall buy, lease, or construct passenger-rooms, ticket-offices, workshops, depots, lands, and buildings as they may deem necessary, at such points along its line as may be approved by the Commissioners of the District, and as the business of the railway and the convenience of the public may require. Within thirty days after the passage of this act, the corporators named in the first section, and their associates, successors or assigns, or a majority of them, or if any refuse or neglect to act then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till four o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the whole stock shall be sooner subscribed) and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, ten percentum of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void; *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for seven days in two newspapers published daily in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Passenger
rooms, etc.

Books of sub-
scription.

Payment of
subscriptions.

SEC. 3. That the government and direction of the officers of the company shall be vested in the board of seven directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly selected and qualified; and the said directors, a majority of whom shall be a quorum, shall select one of their number to be president of the board, who shall be the president of the company; and they shall also

Directors.

choose a vice-president, a secretary, and a treasurer, the latter of whom shall give a bond, with surety, to said company in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors, by death, resignation, or otherwise, of any director, it shall be filled by the remaining directors by a majority vote of a quorum thereof. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, and require bond and security of any of its officers other than those herein specified, not contrary to the charter, or to the laws of the United States and the laws and ordinances of the District of Columbia: *Provided*, That said board of directors shall not have the power to sell or lease the said road, or any part thereof, or to purchase or lease any other street railroad, or any part thereof, without first obtaining the written consent of two-thirds of said stockholders and of the Commissioners of the District of Columbia: *Provided*, That said company shall have no power to sell or lease the said road or any part thereof until after the main line has been constructed and operated. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders. The said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully and mischievously and unnecessarily, obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the motive powers of said railway, or depots, stations or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall in addition to said penalty, be liable to said company, for any loss or damage occasioned by his, her, or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or be ejected therefrom by the company's employees, for any other cause than that of being drunk, disorderly, or contagiously diseased, for the use of obscene and profane language, refusing to pay the legal fare, or a failure to comply with the lawful regulations of the company. The principal offices of said company shall be situated in the District of Columbia, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

Power to sell or lease.

Proviso.

Annual meeting.

Free use of roadway.

Ejection from cars.

SEC. 4. The said Rock Creek Railway Company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by the affidavit of the president and secretary of said company; and if the said report is not made at the time specified or within ten days thereafter, it shall be the duty of the Commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, four per centum of its gross earnings for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, but the real estate of the company shall be taxed as other real estate in the District, provided that the tracks of the company shall not be taxed as real estate.

Annual report.

Taxes.

SEC. 5. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which shall be open to the inspection of the public; but when such property has been unclaimed for one year the company may sell the same.

Articles left in cars.

SEC. 6. Congress reserves the right to alter, amend, or repeal this act at any time.

Amendment.

Received by the President June 12, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

AN ACT to change the route of the Rock Creek Railway Company, and for other purposes.

May 28, 1890.

Stats. 26, p. 121.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Rock Creek Railway Company be, and the same is hereby, amended so as to authorize said company to lay its tracks and to run its cars thereon, through and along the following-named streets, avenues, and places:

Rock Creek
Ry. Co.
Change of
route.

Route.	Commencing at the intersection of Connecticut and Florida avenues; thence easterly along Florida avenue formerly known as Boundary street, to Eighteenth street; thence northerly along Eighteenth street to Columbia road; thence westerly, crossing Columbia road and extending through the Cliffbourne tract, to Rock Creek, on such line as shall be approved by the Commissioners of the District of Columbia; thence crossing Rock Creek on a substantial, elevated iron bridge to be erected by said company at its own expense and approved by said Commissioners, which shall be a thoroughfare open to the public, not less than fifty feet wide, including sidewalks; thence northwesterly through Woodley Park to a point near Woodley road in Connecticut avenue extended, on such line as shall be approved by the Commissioners of the District of Columbia; thence northerly along Connecticut avenue extended to the north line of the District of Columbia; also commencing at the intersection of Eighteenth and U streets northwest; thence east, following U street to Fourteenth street west; <i>Provided</i> , That the said company, at its own expense, shall keep its said tracks within the city limits and on Florida avenue and Eighteenth street to Columbia road, and for the space of two feet beyond the outer rails thereof and also the space between the rails and tracks, at all times well paved with asphalt, or such other pavement as the Commissioners of the District of Columbia shall approve, and keep the same in good repair; and if said company shall fail to pave or repair the said streets in the manner aforesaid the Commissioners of the District of Columbia shall cause the same to be paved or repaired as aforesaid, and the cost of such paving shall be recovered by the Commissioners against said company in any court of competent jurisdiction, and the amount so paid for such paving or repairing by said Commissioners shall be a lien upon all property of said company from the time that said paving or repairing is made until paid by said company.
Bridge.	
<i>Proviso.</i> To keep tracks, etc., well paved, etc.	
In case of failure, District Commissioners to pave, etc., at company's cost, etc.	
Lien.	
Repeal of old route.	SEC. 2. That so much of the original charter of said company, granted by act which became a law June twenty-second, eighteen hundred and eighty-eight, as prescribed a route or routes for the tracks and road of said company be, and the same is hereby, repealed, and that the route or routes prescribed by this act shall be the only route or routes for the tracks and road aforesaid: <i>Provided</i> , That said company shall not operate any part of its road by electric power with overhead wires within the city limits.
<i>Proviso.</i> No overhead electric wires in city limits.	
Capital stock.	SEC. 3. That said company is hereby authorized to issue its capital stock to an amount not to exceed the actual cost, more than ten per centum of the right of way, construction and equipment, motive power, and such land and buildings as may be necessary to said road, in shares of one hundred dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the incorporators the amounts severally subscribed by them, as follows, namely: Ten per centum at the time of subscribing and five per centum <i>each</i> thirty days thereafter, until fifty per centum thereof
Subscriptions.	

shall have been paid, the balance of such subscription to be paid at such times and such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Delinquent
stock sales, etc.

And the time in which the work and construction of the road shall begin and be completed is hereby extended so that the work shall be commenced within thirty days and the entire road completed within eighteen months from the passage of this act.

Commence-
ment and com-
pletion extended.

SEC. 4. That when the property owners shall have dedicated for the purposes of a public highway five-sixths in quantity of the land necessary to open a street of such width as the Commissioners of the District of Columbia may prescribe from Columbia road to Connecticut avenue extended and also to prolong said Connecticut avenue extended from the point of meeting of said street therewith to the boundary of the District of Columbia for the full width of one hundred and thirty feet, if any of the remaining owners of property lying within the path of such street or said avenue extended shall refuse or neglect to dedicate their land or lands for the purposes of said street or said avenue, or to sell and convey the same to the District of Columbia at a price to be agreed upon by and between such owners and the said District, then in that event it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized, empowered, and directed, to condemn, in accordance with the provisions of sections two hundred and fifty-seven to two hundred and sixty-seven, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia, the remaining one-sixth of said lands so as aforesaid lying within the path of such street or said avenue extended, or so much thereof as may not have been dedicated or sold, as hereinbefore provided, and to open such street as aforesaid for the width aforesaid, and to open said Connecticut avenue extended for the width of one hundred and thirty feet as a public highway: *Provided*, That the said company shall furnish the money to pay for the purchase or condemnation of said lands and to compensate the owners therefor: *And provided further*, That the track or tracks of said company shall be laid in such portions of

Dedication,
purchase, and
condemnation of
lands for public
highway.

R.S.D.C., secs.
257-267, pp. 29-30.

Provided.

Cost of pur-
chase, etc.

64 LAWS RELATING TO STREET-RAILWAY FRANCHISES.

Interference with public travel, etc. such avenues as will least interfere with public travel, the location of the same to be settled by the Commissioners of the District of Columbia.

Original charter reaffirmed, etc. SEC. 5. That the said company shall continue, subject to all the conditions and limitations of its original charter;

Amendment, etc. and that Congress reserves the right to amend, alter, or repeal the original charter, and this act.

Approved, May 28, 1890.

March 3, 1891. AN ACT to amend the charter of the Rock Creek Railway Company of the District of Columbia.
Stats. 26, p. 835.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the powers and privileges heretofore conferred upon the Rock Creek Railway Company of the District of Columbia by its act of incorporation as amended, the said company shall be, and it hereby is, authorized and empowered to buy, lease, hold, and operate, or otherwise to contract, respecting the railway in the State of Maryland, now constructed or which may hereafter be constructed, by the Chevy Chase Land Company of Montgomery County, Maryland, and which connects, or may connect, with the present line of said Rock Creek Railway Company, and to have respecting such connecting line the same powers and privileges as it now has or hereafter may have respecting its own line of railroad not inconsistent with the laws of Maryland; and, further, that the said Rock Creek Railway Company of the District of Columbia shall be, and it hereby is, authorized and empowered to issue its bonds to aid in paying for the construction and equipment of its railroad, and the purchase and lease, construction, and equipment of any and all future acquisitions and extensions as hereinbefore are, or that may hereafter be, provided for, and to secure the said bonds by mortgage or deed of trust of its rights of way, and all its property of what kind soever, whether real, personal, or mixed, including its franchises as a corporation; and as proof and notice of the legal execution and effectual delivery of any such mortgage or deed of trust, the same shall be filed and recorded in the office of the recorder of deeds for the District of Columbia: *Provided, however,* That the bonds hereby authorized shall at no time exceed in the aggregate amount of their face value one-half of the capital stock of said company actually subscribed and paid in: *And provided further,* That for the purpose of fixing the amount of the capital stock of said company the cost of purchase or lease, construction, or equipment of the acquisition and extension aforesaid shall be deemed as a part of the actual cost of the rights of way, construction, equipment, motive power, and necessary lands and buildings, as provided for by the third section of the act amending the charter of the said company, approved May twenty-eighth, eighteen hundred and ninety; and the time for the

Rock Creek R'y Co.

May connect with railway of Chevy Chase Land Co.

Bonds.

Capital stock.

completion of said road is hereby extended six months from and after the twentieth of November, eighteen hundred and ninety-one. Time extended.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act. Amendment.

Approved, March 3, 1891.

AN ACT to amend the charter of the Rock Creek Railroad Company. April 30, 1892.
Stats. 27, p. 23.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rock Creek Railroad Company be, and it is hereby, authorized to extend its road from its present terminus on U street to Florida avenue, thence along Florida avenue to North Capitol street: Provided, That it shall run on the same track with the Metropolitan Railroad Company between Ninth and Seventh streets. Said company is authorized to extend a branch road from a point on its line in Cliffburne tract across the Adams Mill road to Kansas street, thence along Kansas street to Ontario avenue, thence along or adjacent to Ontario avenue to the east line of the Zoölogical Park, on such line as shall be approved by the Commissioners of the District of Columbia. That the extension and branch herein provided for shall be subject, in all respects, to the acts of Congress granting and amending the charter of the Rock Creek Railway Company as fully as if such acts were incorporated herein. Rock Creek Ry. Co.
Extension of tracks.

SEC. 2. That whenever the route of the foregoing extension coincides with the track occupied by the Metropolitan Railroad Company, both companies shall use the same track upon such fair and equitable terms as may be agreed upon by said companies; and in the event that said companies shall fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, who shall hear and determine summarily the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Whenever more than one of the tracks of said railroad company shall be constructed on any of the streets, avenues, or other public highways in the District of Columbia, the width of space between the two tracks shall not exceed four feet, unless otherwise especially ordered by the Commissioners of the District of Columbia. Use of other tracks.
Terms of use.
Width between tracks.

SEC. 3. That the Rock Creek Railway Company and the Eckington and Soldiers' Home Railway Company shall have the power to make any contracts or agreements that may be necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company. The said extension and branch shall be completed within one year and a half from the passage of this act. Joint use of tracks.
Completion.

SEC. 4. That the streets or avenues opened under the provisions of this act shall conform to the general plans Opening of streets.

for the extension of the streets and avenues of the District of Columbia, and shall be laid out under the direction of the Commissioners of the District of Columbia.

Amendment.

SEC. 5. That Congress reserves the right at any time to alter, amend, or repeal this act.

Approved, April 30, 1892.

March 1, 1895.
Stats. 28, p. 700.

AN ACT relative to Rock Creek Railway Company of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rock Creek Railway Company of the District of Columbia, being authorized thereto by a vote of the owners of a majority of its capital stock, may contract with any street railway company owning or operating a connecting or intersecting line for the joint management, lease, or purchase of such connecting or intersecting line or lines and operate the same in connection with its original line; and in case of such contract may provide the means necessary by an increase of its capital stock, not to exceed the actual consideration paid or the actual cost of the necessary equipment: *Provided*, That only one fare, not exceeding the rate now authorized by law, shall be charged for a single continuous ride in the District of Columbia over all the line affected by such contract or any part thereof; and any such company owning connecting or intersecting line is hereby empowered, when authorized by a vote of a majority of its stockholders, to enter into such contract: *Provided further*, That nothing in this Act shall be construed to impair or abridge the right of Congress at any time to regulate the operation of such line or lines, or to release any railway company or companies thus contracting, in whole or in part, from any obligation or restriction imposed by its original charter or by any law of Congress subsequently enacted, except as provided herein; and Congress hereby reserves the right to alter, amend, or repeal this Act. In the event of the said company entering into such contract as is contemplated by this Act, it is hereby authorized, if deemed advisable by its directors, to change its name from the Rock Creek Railway Company of the District of Columbia to that of "The Capital Traction Company."

Rock Creek Ry. authorized to contract with or lease connecting lines.

Fare.

May change name of road under certain conditions.

COLUMBIA RAILWAY COMPANY.

AN ACT to incorporate the Columbia Railway Company of the District of Columbia. May 24, 1870.

U. S. State., vol.
16, p. 133.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

William Gunton, John C. McKelden, Samuel Fowler, William B. Todd, William H. Clagett, John F. Callan, S. P. Brown, George H. Plant, W. C. Bestor, E. M. Gallaudet, R. C. Fox, Mathew G. Emery, William Stickney, Martin M. Roher, Richard Sutton, David D. Cone, Robert Williams, William P. Copeland, William H. Nalley, G. H. B. White, James T. Pritchard, J. C. Wall, John H. McCutchen, Paulus Thyson, Bernard Hayes, Jacob D. Kitch, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Columbia Railway Company," with authority to construct and lay down a single or double track railway, with the necessary switches and turnouts, in the city and county of Washington, in the District of Columbia, through and along the following avenues, streets, and highways: commencing at a point on the eastern side of west Fifteenth street, on New York avenue, thence eastwardly along said avenue to its intersection with north K street; thence along north K street to its intersection with Massachusetts avenue; thence along Massachusetts avenue to its intersection with north H street; and thence along H street to its eastern termination with the Columbia turnpike gate, with the right to run public carriages thereon drawn by horse-power, receiving therefor a rate of fare not exceeding six cents a passenger for any distance on said road.

Columbia Rail-
way Company in-
corporated.

Route.

* M o t i v e
power.
Fare.

SEC. 2. *And be it further enacted,* That should a majority of the stockholders so elect, at any time within two years after the completion of said road (provided for in section one above), the said Company shall have the right to extend said road, either with a single or double track, with the necessary switches and turnouts along the line of the Columbia Turnpike Road Company, with the consent of said Turnpike Road Company, or on any other road or roads leading northwardly or eastwardly from such intersection at the Columbia turnpike gate, now opened, or which may hereafter be opened, by the proper authorities; and thence along said road or roads, by the most practicable route or routes, to the termini near, at or in the District of Columbia, receiving therefor a rate of fare not exceeding cents

Road may be
extended.

* Changed to cable power under authority of Act of Congress, approved March 2, 1889.

Motive power. a passenger for any distance on said road or roads. The carriages on the extension of said road or roads to be propelled either by horse-power or dummy engines, at the option of the said Railway Company.

Taxation. **License for cars.** SEC. 3. *And be it further enacted,* That the said road or roads shall be deemed real estate, and, together with other real and personal property of said body corporate, shall be liable to taxation as other real estate and personal property, and to license for their vehicles or cars in the city and county aforesaid, except as hereinafter provided.

Construction. SEC. 4. *And be it further enacted,* That the said railway shall be laid as near the centre of the avenues and streets in the city of Washington as practicable (without interfering with or passing over the water or gas pipes), in the most approved manner adapted for street railways, with the rails of the most approved pattern, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets or avenues; and the space between the two tracks (where two are laid) shall not be less than four feet nor more than six feet, and the carriages shall not be less than six feet in width; the gauge to correspond with that of the Metropolitan Railroad. That the railways in the county (should it be determined to construct such roads) shall be laid in such manner as will least interfere with the ordinary travel of the road or roads on which the tracks shall be laid.

Gauge. SEC. 5. *And be it further enacted,* That the said corporation hereby created shall be bound to keep said tracks, and for a space of two feet beyond the outer rail thereof, and also the space between the tracks, so far as the same are laid within the limits of the city of Washington, at all times well paved and in good order, without expense to the United States or the said city. And in case the road shall be extended beyond the limits of said city, [as is heretofore provided,] the said corporation shall be bound to keep said tracks, and for a space of two feet beyond the outer rail thereof, and also the space between the tracks well gravelled or paved and in good order, so as not to impede the general travel on said roads by vehicles or otherwise, without expense to the county of Washington.

Paving. **Paving.** SEC. 6. *And be it further enacted,* That nothing in this act shall prevent the Government at any time, at its option, from altering the grade, or otherwise improving all avenues and streets occupied by said road, or the city of Washington from so altering and improving such streets and avenues and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said Company to change their said railway so as to conform to such grade and pavement.

Grade of streets may be changed. **Amendment.** SEC. 7. *And be it further enacted,* That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Issue of currency not authorized. SEC. 8. *And be it further enacted,* That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token or device, scrip or other evidence of debt, to be used as currency.

SEC. 9. *And be it further enacted*, That the capital stock of said Company shall not be less than one hundred thousand dollars, nor more than four hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the By-Laws of said Company may direct.

Capital stock.

Shares, how transferable.

SEC. 10. *And be it further enacted*, That the said Company shall place first-class cars on said railway, with all the modern improvements, for the convenience and comfort of passengers, and shall run cars thereon during the day and as late as ten o'clock at night, and as often as every fifteen minutes, between west Fifteenth street and the eastern terminus of north H street; and in case the said road shall be extended beyond the city limits, on the entire road, or such portions as may be completed, through the day and night, as often as the public convenience and the interests of the Railway Company may require: *Provided, however*, That the carriages or cars thereon shall not make less than eight trips each way per day during six days in each week.

Cars, class and running.

SEC. 11. *And be it further enacted*, That the said Company shall provide such passenger rooms, ticket offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And said Company is hereby authorized to lay such rails through transverse or other streets or roads as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks; and the said Company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

Passenger rooms.

Connecting tracks.

Lands.

SEC. 12. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of said Company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be opened to the inspection of the public at all reasonable hours of business.

Articles left in cars.

SEC. 13. *And be it further enacted*, That within thirty days after the passage of this act, the corporators named in the first section, or a majority of them, or if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said Company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington for a period to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the Company shall be held to be stockholders; *Provided*, That no one individual shall be allowed to subscribe for more than two hundred shares of said stock: *Provided further*, That every subscriber shall pay, at the time of subscribing, twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void.

Subscription to capital stock.

25 per cent of subscription to be paid at time of subscribing.

If, at the end of two days, a larger amount than the capital stock of said Company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day the books are closed: *Provided further*, That nothing shall be received in payment of the twenty-five per centum, at the time of subscribing, except money. And when the books of subscription of the capital stock of said Company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said Company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for five days in not less than two public newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the clerk of the corporation. And in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

First meeting
of stockholders.

Directors.

Votes and
proxies.

Board of di-
rectors.

Officers.

Vacancies.

By-laws.

Subscription to
stock, when to be
called in.

Forfeiture.

SEC. 14. *And be it further enacted*, That the government and direction of the affairs of the Company shall be vested in a Board of Directors, seven in number, who shall be stockholders, and who shall hold their office for one year and until others are duly elected and qualified to take their places as Directors. And the said Directors (a majority of whom, the President being one, shall constitute a quorum), shall elect one of their number to be President of the Board, who shall also be President of the Company; and they shall also choose a Treasurer, who shall give bonds, with security, to said Company in such sum as the said Directors may require for the faithful discharge of his trust. In case of a vacancy in the Board of Directors by the death, resignation, or otherwise of any Director, the vacancy occasioned thereby shall be filled by the remaining Directors.

SEC. 15. *And be it further enacted*, That the Directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate and effects of the Company, not contrary to the charter or to the laws of the United States and the ordinances of the city and county of Washington: *Provided*: That the Directors of said corporation shall have the power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time (after the first installment), in such manner and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installments as required by a resolution of the Board of Directors, after reasonable notice of the same, the said Board of Directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installments (and the highest bidder

shall be taken to be the person who offers to purchase the least number of shares for the assessment due), under such regulations as may be adopted in the By-Laws of said corporation; or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 16. *And be it further enacted*, That there shall be an annual meeting of the stockholders for choice of Directors, to be holden at such time and place, under such conditions, and upon such notice as the said Company in their By-Laws may prescribe; and said Directors shall annually make a report in writing of their doings to Congress, or to the Secretary of the Interior, and to the stockholders in general meeting.

Annual meeting.

Report.

SEC. 17. *And be it further enacted*, That the Mayor and Council of said city, and the levy court of said county, and the several officers of these corporations, and the said corporations are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operations of said railway, as herein authorized.

Construction of railway not to be hindered.

SEC. 18. *And be it further enacted*, That the said Company shall have, at all times, the free and uninterrupted use of the roadway. And if any person or persons shall wilfully and unnecessarily obstruct or impede the passage of, or destroy or injure the cars, depot, stations, or any other property belonging to said Railway Company, the person or persons so offending shall forfeit and pay for each such offence the sum of ten dollars to said Company, to be recovered and disposed of as other fines and penalties in said city and county, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

Obstruction of roadway.

SEC. 19. *And be it further enacted*, That unless said corporation shall make and complete their said railway between west Fifteenth street and the eastern terminus of north H street within eight months after the Company shall have been fully organized, then this act shall be null and void, and no rights whatsoever shall be acquired under it; and that the remainder of the said road shall be completed (if commenced) to its proposed terminus in the county of Washington within five years.

Completion.

SEC. 20. *And be it further enacted*, That no person shall be prohibited the right to travel on any part of said road or roads, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the general regulations of the Company.

Exclusion from cars.

SEC. 21. *And be it further enacted*, That each of the stockholders in the Columbia Railway Company shall be liable individually for all the debts and liabilities of said Company to an amount equal to the amount of stock held by such stockholder.

Individual liability of stockholders.

SEC. 22. *And be it further enacted*, That all the provisions of the act incorporating the Washington and Georgetown

Reports.

Railroad Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the Company herein incorporated, which shall make reports as in said act required.

Repealing
clause.

SEC. 23. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act be, and the same are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

DISTRICT OF COLUMBIA SUBURBAN RAILWAY COMPANY.

AN ACT to incorporate the District of Columbia Suburban Railway Company. July 5, 1892.
Stats. 27, p. 66.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That District of Columbia Railway Company incorporated.

Richard K. Cralle, Charles E. Creecy, John T. Mitchell, M. F. Morris, J. W. Denver, L. G. Hine, Gilbert Moyers, S. E. Mudd, Robert A. Howard, W. I. Hill, John W. Childress, J. F. Kennedy, D. W. Glaisse, Harry Barton, Philemon W. Chew, T. C. Daniel, G. P. Davis, Jere Johnson and L. C. Loomis, and their associates successors, and assigns, are hereby created a body corporate by the name, style, and title of "The District of Columbia Suburban Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn outs, and other mechanical devices, in the District of Columbia, through and along the following routes: Beginning at the dividing line between the District of Columbia and the State of Maryland, on the Bladensburg road, and running thence along the said road so that the outer rail of said railway shall not be more than five feet from the eastern boundary of said Bladensburg road, to H. street east; thence west on H. street east to Seventh street east, over the tracks of the Columbia Railroad.

Routes.

Bladensburg road.

Also beginning at the junction of Philadelphia and Twelfth streets in Brookland and running south along Twelfth street; thence by such line as may be authorized by the Commissioners of the District of Columbia to the intersection of Patterson avenue with the Fairview road; thence along the Fairview, Corcoran and Mt. Olivet roads to Twelfth street extended; thence along Twelfth street extended to the junction of Twelfth street east and Florida avenue.

Brookland

Also beginning at the junction of Frankfort and Twenty-fourth streets in Langdon; thence along Twenty-fourth street to Cincinnati street; thence along Cincinnati street to and across Chapel road to Lafayette avenue; thence along Lafayette avenue and in line to Capitol street, Ivy City; thence along Capitol street to Mt. Olivet road; thence along Mt. Olivet road to Twelfth street extended.

Langdon.

Also from the intersection of Florida avenue with Twelfth street northeast, to H street northeast, on Twelfth street; thence west on H street over the tracks of the Columbia

In Washington.

road to Seventh street east; thence south on Seventh street by single track to G street east; thence west on G street by single track to First street west; thence by a route to be laid down by the Commissioners of the District of Columbia across New Jersey avenue to the tracks of the Capital North O and South Washington Railroad; thence on the tracks of the last-named road on G street to Fourth street continuing west on G street west to Fifth street; then south on Fifth street west, in part over the tracks of the Metropolitan Railroad, to Louisiana avenue; thence south westerly by double track on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia east of Seventh street west. Returning north-easterly on Louisiana avenue to Fifth street west; thence over the tracks of the Metropolitan Railroad along Judiciary Square to Fourth street west; thence north on Fourth street west by single track to E street west; thence east on E street by single track to Eighth street east; thence north by single track on Eighth street to H street; thence east over the tracks of the Columbia railroad to Twelfth street; then north on Twelfth street to Florida avenue: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia and those portions of said road between the District line and Florida avenue shall be fully constructed before the cars of the said District of Columbia Suburban Railroad shall be run over any part of the said route within the limits of the city of Washington; Whenever a permanent system of streets and highways shall have been established and laid out in the suburban portion of the District contiguous to the route of this railroad, said company shall, when required by the Commissioners of the District, cause such changes to be made in the location of its tracks as said Commissioners shall require in order to make the route of said road conform to such streets and highway system. Whenever the route of this road coincides with that of a country road the railway shall be constructed along and outside such road. Said company shall keep the space between the tracks, and two feet outside of its tracks in such condition as may be required by said Commissioners.

SEC. 2. That said company may run public carriages propelled by cable, electric, or other mechanical power. *Provided*, That if electric wires or cables be used within the limits of the city of Washington, the wires shall be placed underground, and the power used shall be subject to the approval of the said Commissioners; but nothing in this act shall allow the use of steam power or any motive which shall in its operation cause any noise or other disturbance which in the judgment of said Commissioners shall be inimical to the public safety or comfort: *Provided further*, That for the purpose of making a continuous connection the said company shall have the right to cross streets, avenues, and highways necessary for this purpose: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia, the

Approval of routes by Commissioners.

Changes.

Country roads.

Motive power.

Wires to be underground in city.

Crossings.

Coinciding tracks.

tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such tracks in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads, which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be determined summarily upon the application of either road to any court in said District having competent jurisdiction. Whenever more than one of the tracks of said railway shall be constructed on any of the public highways in the District, the width of space between the tracks shall not exceed four feet, unless otherwise ordered by the Commissioners of the District of Columbia.

Terms of use.

Repair.

SEC. 3. That said company shall receive a rate of fare not exceeding five cents per passenger for any distance on its route within the District of Columbia, and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the District limits six tickets shall be sold for twenty-five cents.

Fare.

Tickets

SEC. 4. That said company shall, on or before the fifteenth of January of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the bonded and other indebtedness and the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by affidavit of the president and secretary of said

Annual report.

Taxes. company and if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the time and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said four per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Construction. SEC. 5. That the said railway shall be constructed of good materials and in a substantial and durable manner, with the rails of the most approved pattern, to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways.

Paving. SEC. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times in as good order as the streets and highways through which it passes subject to the approval of the said Commissioners, without expense to the United States or to the District of Columbia.

Grade of street may be changed. SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering and improving such streets and avenues and highways, and the sewerage thereof, as may be under its authority and control; and in such event it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established.

Construction. SEC. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets, or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company: *Provided*, That

wherever the railroad shall be built along any road, the space between the inner rail of said railroad and the roadway shall be graded and put in good order for public use at the expense of the company and subject to the approval of the Commissioners of the District of Columbia: *Provided also*, That the construction of said railroad on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street; and no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture, or apparatus. The said railroad shall be subject to the requirements of section fifteen of the act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a cable-motor, electric, pneumatic, or other railroad.

Space between inner rail and roadway.

Water mains, etc.

Deposit for changing pipes.

Engine houses, etc.

Speed.

SEC. 10. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the said District.

Commencement and completion.

SEC. 11. That the line of said railway company shall be commenced within six months and completed within two years from the passage of this act, otherwise this act shall be of no effect.

Capital stock.

SEC. 12. That said company is hereby authorized to issue its capital stock to an amount not to exceed two hundred and fifty thousand dollars in shares of one hundred dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them as follows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; excepting that fifty per centum shall be paid in within twelve months, and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said instalments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Meeting to receive subscriptions.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and

Ten per cent shall be paid at time of subscribing.

void: Provided further, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any established national bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates,

First meeting of stockholders.

successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter. Nor shall the charter or franchise herein granted be sold or transferred to any company or person until the road shall have been fully constructed.

Consolidation
with other roads
forbidden.

Sale.

SEC. 14. That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require; the time table or schedule of time to be approved by the said Commissioners of the District of Columbia.

Cars.

Schedule.

SEC. 15. That the company may buy, lease, or construct such passenger rooms, ticket offices, workshops, depots, lands, and buildings as may be necessary, at such points on its line as may be approved by the said Commissioners.

Passenger
rooms, etc.

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Articles left in
cars.

SEC. 17. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give bond with surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Board of direct-
ors.

Officers.

Vacancies.

SEC. 18. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

By-laws.

Annual meeting. SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Report.

Obstruction of roadway. SEC. 20. That the said company shall have at all times the free and uninterrupted use of its roadway, and if any person or persons shall willfully, mischievously and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway or depots, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings. SEC. 21. That the said District of Columbia Suburban Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways in a manner to be approved by the Commissioners of the District: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Exclusion from cars. SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Amendment, etc. SEC. 23. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Land required. SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding one hundred feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Approved, July 5, 1892.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

AN ACT to incorporate the Eckington and Soldiers' Home Railway
Company of the District of Columbia.

June 19, 1888.

Stats. 25, p. 190.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edward F. Beale, Edward C. Dean, A. L. Barbour, George Truesdell, James L. Barbour, George E. Moore, Charles C. Duncanson, Michael Connor, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Eckington and Soldier's Home Railway Company of the District of Columbia, with authority to construct and lay down a single or double-track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections necessary to operate the same by horse, cable, or electric power, in the District of Columbia through and along the following avenues, streets, and highways: Commencing on New York avenue at its intersection with Seventh street, northwest, thence eastwardly along said avenue to its intersection with Third street, northeast, thence along Third street north to T street, thence east to fourth street with the privilege of extending the same northwardly along Fourth street to the Bunker Hill road within one year after said Fourth street shall have been opened and graded: *Provided*, That in order to avoid crossing the Baltimore and Ohio Railroad, the District Commissioners may, if they deem it necessary, require said company to acquire by purchase the right of way along the west side of said railroad from New York avenue to Third street east; also a branch commencing at the intersection of New York avenue with First street, west; and thence north along First street, to the south line of the grounds of the Soldiers' Home; also with the privilege of extending said main line along New York avenue to Ivy City, within one year after said avenue is opened and graded to Ivy City, with the right to run public carriages thereon propelled by horse, electric, or cable power. Said company shall receive a rate of fare not exceeding five cents per passenger for any distance between the termini of said main railway or between the termini of its branch railway, or between either terminus of said main railway and the terminus of said branch railway, but shall sell six tickets for twenty-five cents.

Eckington and
Soldiers' Home
Railway Co., in-
corporated
(amended).

Motive power
(amended).

Route (amend-
ed).

Branches.

Fare.

Annual report.

SEC. 2. That said railway company shall, on or before the fifteenth of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever

Taxes.

source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Tracks.

SEC. 3. That the said railway shall be laid in the center of the avenue and streets as near as may be, to be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the District, laid upon an even surface with the pavement of the street and in such manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

Paving.

SEC. 4. That the said corporation shall, at its own expense, keep said tracks within the city limits, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, at all times well paved and in good repair, to be approved by the Commissioners of the District; and beyond the limits of said city shall keep its tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved, and in good repair, so as to impede the general travel as little as possible.

Changes of grade.

SEC. 5. In the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the track of this corporation, it shall be the duty of said company, at its own expense, to change its said railroad so as to conform to such grade as may have been thus established.

Construction.

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be

required by the Commissioners of the District. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the successful operations of an electric or cable motor railroad.

SEC. 7. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, within the city limits, at a rate of speed exceeding ten miles per hour; and without the city limits, at a rate of speed exceeding fifteen miles per hour; and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Speed.

SEC. 8. That the main line of said railway shall be commenced within three months, and completed within twelve months from the passage of this act; and the branch of the same shall be completed within two years from the time First and Fourth streets and New York Avenue shall be respectively graded; and if the said work on the main line shall not be so commenced and completed, then the privileges and powers herein granted shall be void.

Commencement and completion.

SEC. 9. That the capital stock of said company shall not exceed, if horse power is to be used for the main line, sixty thousand dollars, which may be increased when work is commenced on the First street branch forty-five thousand dollars, and on the Ivy City branch thirty-two thousand dollars, and on the Fourth street extension forty thousand dollars. If electric power is to be used, the capital stock for the main line shall not exceed one hundred and two thousand dollars, which may be increased when work is commenced on the First street branch eighty-four thousand dollars, and Ivy City branch sixty thousand dollars, and on the Fourth street extension seventy-five thousand dollars. If propelled by cable the capital stock for the main line shall not exceed two hundred and four thousand dollars, which may be increased when work is commenced on the First street branch one hundred and sixty-eight thousand dollars, and on the Ivy City branch one hundred and twenty thousand dollars; and on the Fourth street extension, one hundred and fifty thousand dollars; and that the stock shall be divided into shares of fifty dollars each, transferable in such manner as the by-laws of said company may direct, and said company shall require the subscribers to the capitol stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of said road; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice

Capital stock.

of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Cars.

SEC. 10. That the company shall place cars of the best construction on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time table or schedule adopted by the company, a copy of which shall be filed with the Commissioners of the District of Columbia, and to be approved by them.

Passenger
rooms, shops, etc

SEC. 11. That the company shall buy, lease, or construct such passenger-rooms, ticket-offices, work-shops, depots, lands, and buildings as they may deem necessary, at such points on its line as may be approved by the Commissioners of the District.

Articles left in
cars.

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remain unclaimed for one year the company shall sell the same after five days notice.

Organization.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be the stockholders: *Provided,*

Subscription to
capital stock.

That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further,* That nothing shall be received in payment of the ten per centum, at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or

neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 14. That the government and direction of the affairs of the company shall be vested in a board of nine directors who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bond, with good and sufficient surety to said company, in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, or otherwise, the vacancy so occasioned shall be filled by the remaining directors.

Directors.

SEC. 15. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

By-laws, etc.

SEC. 16. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe, and said directors shall annually make a report in writing of their doings to the stockholders.

Annual meeting.

SEC. 17. That said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid, but unless suit shall be brought within sixty days the action shall be barred.

Free use of roadway.

SEC. 18. That the said Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is

Crossing

hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

Exclusion from cars.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful regulations of the company. The corporators herein named, or the corporation hereby created, shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided, and then only after having obtained the written consent of the stockholders representing two-thirds in value of the capital stock.

Assignment, etc.

Amendment.

SEC. 20. That Congress reserves the right to alter, amend, or repeal this act at any time.

Approved, June 19, 1888.

April 30, 1890.

State. 26, p. 77.

AN ACT to amend the charter of the Eckington and Soldiers' Home Railway Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Eckington and Soldiers' Home Railway Company, District of Columbia.
Amendments to charter.
Extension of tracks.

the Eckington and Soldiers' Home Railway Company of the District of Columbia is hereby authorized to extend its tracks and to run its cars thereon through and along the following-named streets: Beginning at the intersection of New York avenue and Fifth street northwest, south along Fifth street northwest to G street northwest, and thence west along G street northwest to the east line of Fifteenth street northwest; and also beginning at the present terminus of its Cemetery Branch on the east side of Lincoln avenue, and thence northerly along Lincoln avenue to a point opposite the entrance to Glenwood Cemetery, and also beginning at the intersection of New York avenue and North Capitol street; thence north along said street to the south boundaries of the grounds of the Soldiers' Home:

Provides.

Underground wires or cables.

Provided, That if electric wires or cables are used to propel its cars over said streets from New York avenue and Fifth to Fifteenth street northwest, the same shall be placed underground: *And provided further*, That the said company shall not be permitted to stop its cars at its western terminus, or at any point within the city limits, for a longer time than is necessary to take on and let off its passengers. Said company shall charge not exceeding five cents fare for one continuous ride from any point on its line to the terminus of its main line or any of its branches.

Stoppages.

Fare.

North Capitol street route; overhead wires.

And said company is authorized to use overhead wires on its North Capitol Street Branch.

SEC. 2. That so much of the original charter of the Eckington and Soldiers' Home Railway Company, granted

by act approved June nineteenth, eighteen hundred and eighty-eight, as authorized the construction of a branch on First street west, from New York avenue to the south boundary of the Soldiers' Home be, and the same is hereby, repealed.

First street route abolished.

SEC. 3. That said company is authorized to increase its capital stock one hundred and seventy-five thousand dollars for the purpose of enabling it to extend and equip its line as provided in this act.

Capital stock increased.

SEC. 4. That unless said extensions are commenced within three months and the cars run thereon within one year from the passage of this act the authority herein granted shall be void: *Provided*, That said company shall have one year to complete the North Capitol Street Branch after said street is opened and graded.

Commencement and completion.

Proviso.
North Capitol street route.

SEC. 5. That Congress reserves the right to alter, amend or repeal this act.

Amendment, etc.

SEC. 6. That this act shall be considered as an amendment to the act of June nineteenth, eighteen hundred and eighty-eight, granting a charter to the Eckington and Soldiers' Home Railroad, and shall be construed as being subject to all limitations and conditions of said original act except as specifically provided otherwise herein. That the authority of said company by this act or any other act conferred to erect or use overhead wires in its operations within the city of Washington shall absolutely cease and determine on the first day of July, anno Domini eighteen hundred and ninety-three.

Judicial construction.

Use of overhead wires to cease (time extended 2 years).

Approved, April 30, 1890.

AN ACT to amend the charter of the Rock Creek Railroad Company. April 30, 1892.

Stats. 27, p. 23.

SEC. 3. That the Rock Creek Railway Company and the Eckington and Soldiers' Home Railway Company shall have the power to make any contracts or agreements that may be necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company.

Eckington and Soldiers' Home Ry. Co.
Joint use of tracks and power with Rock Creek Railroad Co.

Approved, April 30, 1892.

AN ACT to amend the charter of the Eckington and Soldiers' Home Railroad Company. July 5, 1892.

Stats. 27, p. 65.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Eckington and Soldiers' Home Railroad Company be, and the same is hereby, amended so as to authorize said company to lay its tracks and to run its cars thereon through and along the following named streets and

Eckington and Soldiers' Home R. R. Co.

Extension of tracks.

avenues: Beginning at the intersection of Fifth and G streets northwest, east along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street to New Jersey avenue; thence south along New Jersey avenue to a point in the center of said avenue at a distance of not less than one hundred and fifty feet from the north curb line of B street north. Returning north along New Jersey avenue to D street; thence west on D street to First street northwest; thence north on First street to G street, and along G street to Fifth street northwest; also, beginning at the intersection of G street and New Jersey avenue; thence across New Jersey avenue to and along G street to North Capitol street; thence north along North Capitol street to New York avenue, connecting with its main line and North Capitol street branch; also beginning at the intersection of Fifth and G streets northwest; thence south on Fifth street to Louisiana avenue; thence southwesterly on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia, east of Seventh street northwest, and returning by the same route to the said point of beginning; also beginning at the intersection of New Jersey avenue and C street northwest; thence east on C street to Stanton square; thence around Stanton square, on the south side thereof, to C street northeast and along C street to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street; thence south on Fourth street to and along C street to New Jersey avenue and the point of beginning: *Provided*, That until C and D streets shall be paved and provided with sewers to Fifteenth street the company shall not be required to construct its road beyond Twelfth street; also beginning at the present terminus of the Eckington and Soldiers' Home road on Fourth street extended, thence along and wholly outside of the present Bunker Hill road, on land to be acquired by said company by gift or purchase and made a part of said road, to a point to be located by the Commissioners of the District of Columbia west of Brooks station: *Provided*, That nothing contained in this act shall be taken to require the extension provided for in this clause before said road shall have been widened as herein provided for: *Provided further*, That the tracks of said company on Lincoln avenue shall be taken up within thirty days from the passage of this act, and the roadway shall be restored to public uses in such manner as the Commissioners of the District of Columbia shall direct: *Provided*, That horse power shall not be used on said line for traction purposes, and that if electric wires or cables are used to propel its cars over any of the routes hereby authorized within the limits of the city of Washington the same shall be placed underground.

Wherever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street railway company in the District of Columbia, both companies shall use the same tracks upon such fair and equitable terms as may be agreed upon by

Tracks in C and
D streets N.E.

Bunker Hill
road.

Removal of
tracks from Lin-
coln avenue.

Motive power.
(Horse-power
provision re-
pealed.)

Coinciding
routes.

said companies; and in the event said companies shall fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall hear and determine summarily the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said company shall charge not exceeding five cents fare for one continuous ride from any point on its lines to the terminus of its main line or any of its branches: Provided, That the construction of said railroad on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street and no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture, or apparatus. The said railroad shall be subject to the requirements of section fifteen of the act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sums shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of their disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

Water mains,
etc.

Deposit.

SEC. 2. That said company is authorized to increase its capital stock three hundred thousand dollars for the purpose of enabling it to extend and equip its line as provided

Increase of
stock.

in this act, and to redeem bonds issued to take care of present indebtedness incurred in building and equipping the road already constructed, and no additional bonds shall be issued by said company without special authority of Congress.

Commencement and completion (time extended). SEC. 3. That unless said extensions are commenced within three months and the cars run thereon within one year from the passage of this act, except as otherwise expressly provided for, the authority hereby granted shall be void: *Provided*, That said railroad shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Amendment. SEC. 4. That Congress reserves the right to alter, amend, or repeal this act.

Approved, July 5, 1892.

Feb. 13, 1893. AN ACT to amend the charter of the Eckington and Soldier's Home Railway Company of the District of Columbia.
Stats. 27, p. 444.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to amend the charter of the Eckington and Soldier's Home Railway Company, approved April thirtieth, anno Domini eighteen hundred and ninety, is hereby amended by substituting the word "five" for the word "three" in the last line of said act. And that the act to amend the charter of the Eckington and Soldier's Home Railroad Company, approved July fifth, eighteen hundred and ninety-two, be amended in the first proviso by striking out the word "twelfth" therein and inserting in place thereof the word "thirteenth," so that the proviso will read, "*Provided*, that until C and D streets shall have been paved and provided with sewers to Fifteenth street the company shall not be required to construct its road beyond Thirteenth street, and that said company shall have authority to make connection with D street from C. street through and along Thirteenth street northeast." And in the fourth proviso by striking out the word "horse" and inserting in lieu thereof the word "steam," so that the proviso will read, "*Provided*, That steam power shall not be used on said line for traction purposes, and that, if electric wires or cables are used to propel its cars over any of the routes hereby authorized within the limits of the city of Washington, the same shall be placed under ground."

Extension to Thirteenth street, NE. And in section three, by striking out the words "one year," and inserting in lieu thereof the words "two years," so that the section, as amended, will read "That, unless said extensions are commenced within three months, and the cars run thereon within two years from the passage of this act, except, as otherwise expressly provided for, the authority hereby granted shall be void: *Provided*, That said railroad shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia."

Construction.

Approved, February 13, 1893.

AN ACT to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway." (Also amending the charter of the Eckington and Soldiers' Home Railway Company.) August 23, 1894.
Stats. 28, p. 492.

* * * * *

SEC. 5. That the Act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved July fifth, eighteen hundred and ninety-two, is hereby amended by striking out in Section one, beginning in line six with the words, "Beginning at the intersection of" to and including the words "point of beginning" in line twenty-nine, and inserting in place thereof the following:

Beginning at the intersection of Fifth and G streets northwest, east along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street (around the south side of Stanton Square by single track) to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street northeast; thence south on Fourth street to C street northeast; thence west on C street to New Jersey avenue; thence north on New Jersey avenue to D street northwest; thence west on D street to First street, and to the point of beginning; also beginning at the intersection of G street northwest and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to New York avenue, connecting with the main line and the North Capitol street branch; also beginning at the intersection of G and Fifth streets northwest; thence south on Fifth street to Louisiana avenue, thence along Louisiana avenue to Sixth street west; thence south along Sixth street to B street northwest; thence west on B street (over its own tracks for such a distance as the Commissioners of the District of Columbia shall determine) to a point to be located by the said District Commissioners near the east curb line of Seventh street northwest, and returning by the same route to Fifth street northwest.

Also by inserting in Section two after the word "hundred" the words, "and fifty." Stock increased.

Also by inserting in Section three, as amended, after the words "two years" the words, "and three months." Time extended.

SEC. 6. That Congress reserves the right at any time to alter, amend, or repeal this Act. Amendment.

Approved, August 23, 1894.

AN ACT to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes. June 10, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within three months from the passage of this Act the Eckington and Soldiers' Home Railway Company, and the Belt Railway Company, both of the District of Columbia,

Eckington and
Soldiers' Home
R. R. Co.

respectively, shall begin to equip those portions of their respective lines which are situated within the boundaries of the city of Washington with compressed-air motors. If Shall equip line with air motors within three months. after a trial of three months the said compressed-air motors shall, in the judgment of the Commissioners of the District of Columbia, prove to be in all respects a proper and satisfactory motive power for the speedy and convenient propulsion of street cars, then the said Commissioners are hereby authorized and directed to issue to the said railway companies, respectively, permits to equip their lines within the District of Columbia with such compressed-air motors; and within six months from the passage of this Act the Shall cease use of horsepower within six months. said railway companies shall cease to use horsepower on any and all of their respective lines. In the event that the said compressed-air motors shall not be approved as herein provided for, then within eighteen months from the passage of this Act the said companies, respectively, shall construct and put into full operation on all their lines in the city of Washington the underground electric system. No Electric underground system to be substituted if air motors prove unsatisfactory. extension of any of the lines in this Act provided for shall be operated by horsepower: *And provided further,* That within thirty days from the passage of this Act cars shall be regularly run over the existing tracks, beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to Horsepower not to be used on extensions. North Capitol street, thence north on North Capitol street to T street, according to a schedule satisfactory to the Commissioners of the District of Columbia. Neglect or failure to comply with the provisions of this section shall subject the corporation so neglecting or failing to a penalty of fifty dollars for each and every day during which such failure or neglect continues, said penalty to be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

North Capitol Street branch to be operated. SEC. 2. That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a street railway in the city of Washington, District of Columbia, through and along the following named streets and avenues, to wit:

Extension on 8th street east, etc. Beginning at the junction of Eighth and D streets north-east; thence by double track south along Eighth street to C street south; thence by single track as follows: west on C street south to Seventh street east; thence south on Seventh street east to M street south; thence east on M street south to Georgia avenue; thence northeast on Georgia avenue to Ninth street east; thence north on Ninth street east to C street south; thence west on C street south to Eighth street east.

Increase of stock. Bonds. SEC. 3. That said Eckington and Soldiers' Home Railway Company is authorized to increase its capital stock or to issue bonds for such amount as may be necessary to pay the actual cost of constructing and equipping the extensions hereinbefore authorized: *Provided,* That the question as to the amount to be provided for in connection with such extension and the method of providing for the same, whether by issuance of stock or bonds, shall be decided

by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice: and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however*, That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated June first, eighteen hundred and ninety one, and recorded in liber fifteen hundred and eighty, folio three hundred and twenty-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad, as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided*, That said Eckington and Soldiers' Home Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway; which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

Issued limited to cost of construction and equipment.

SEC. 4. That the Belt Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a double-track railway, with the necessary switches and turn-outs, in the city of Washington, District of Columbia, through and along the following-named streets and avenues, to wit:

Beginning at Fourth and O streets northwest; thence north on Fourth street west to Florida avenue: thence north crossing Florida avenue to Harewood street; thence along Harewood street to Elm street; thence west along Elm street to Linden street; thence north on Linden street to Pomeroy street; thence west on Pomeroy street to the east building line of Seventh street west extended.

Extension of Belt Ry. to Le Droit Park.

Also beginning at the present terminus of the Belt Railway on Water street, near N street south: thence south along Water street to P street south by an extension of the present tracks of the Belt Railway; thence by further extension of said tracks east along P street south to Delaware avenue: *Provided*, That if there is not sufficient room for two tracks on Water street without encroaching on tracks already there, that the said Belt Line Railway Company shall purchase, at its own cost, sufficient ground to open Water street from the terminus of its line as now located along said projected route to P street.

Extension on Water street.

SEC. 5. That the construction of the extensions hereby authorized shall be completed within one year after the approval of this Act: *Provided*, That in case any one or more of the said extensions shall not be completed and operated regularly within the time specified, then so much of this Act as authorizes such uncompleted extensions shall be void and of no effect.

Completion.

SEC. 6. That said Belt Railway Company is authorized to increase its capital stock or to issue bonds for such amounts as may be necessary to pay the actual cost of constructing and equipping the several extensions hereinbefore author-

Belt Railway may increase stock or issue bonds.

ized: *Provided*, That the question as to the amount to be provided for in connection with each extension and the method of providing for the same, whether by issuance of stocks or bonds, shall be decided by a majority in value of the stockholders at a meeting to be called for the purpose after reasonable notice; and authority is hereby conferred upon said company, in case of issuance of bonds, to make due conveyance of its corporate franchises and property for the purpose of securing the same: *Provided, however*, That any such conveyance by way of mortgage shall be subject to the prior lien already created by deed of trust dated July thirty-first, eighteen hundred and ninety-one, and recorded in liber sixteen hundred and six, folios one hundred and ninety-seven and following, of the land records of the District of Columbia, which conveys all the real estate and franchises of said railroad, as well as the line of said railroad now existing and such additions thereto at any time made, located, extended, or constructed: *And provided*, That said Belt Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway, which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe.

Issue limited
to cost of con-
struction and
equipment.

Construction.

SEC. 7. That such extensions of said railroads and each of them shall be constructed on such grade and in such manner as shall be approved by the Commissioners of the District of Columbia.

Excavations.

SEC. 8. That it shall be lawful for said railway companies and each of them, their and each of their successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said companies, or either of them, may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices for machinery for operating said railroad in the manner and by the means aforesaid. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railway company making such trench or excavation.

Paving.

SEC. 9. That each of the said corporations shall at all times keep the space between their tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct; and whenever any street occupied by either of said railways is paved and repaired or otherwise improved, the said corporation shall bear all expense of improving the spaces above described. Should either of the said corporations fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from such corporation shall be collected as provided by section five of the Act entitled "An Act providing for a permanent form of government

for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

SEC. 10. That every street-railroad corporation in the District of Columbia, and every such corporation which shall hereafter be organized, shall, on or before the first day of February in each year, make a report to each the Senate and the House of Representatives, which report shall be sworn to and signed by the president and treasurer of such corporation, and shall cover the period of one year ending the thirty-first day of December previous to the date of making the report. Such report shall state the amount of capital stock, with a list of the stockholders and the amount of stock held by each; the amount of capital stock paid in; the total amount now of funded debt; the amount of floating debt; the average rate per annum of interest on funded debt; amount of dividends declared; cost of roadbed and superstructure, including iron; cost of land, buildings, and fixtures, including land damages; cost of cars, horses, harness, and motors and other machinery; total cost of road and equipment; length of road in miles; length of double track, including sidings; weight of rail, by yard; the number of cars and of horses; the number of motors; the total number of passengers carried in cars; the average time consumed by passenger cars in passing over the road; repairs of roadbed and railway, including iron, and repairs of buildings and fixtures; total cost of maintaining road and real estate; cost of general superintendence; salaries of officers, clerks, agents, and office expenses; wages paid conductors, drivers, engineers, and motor men; water and other taxes; damages to persons and property, including medical attendance; rents, including use of other roads; total expense of operating road, and repairs; receipts from passengers; receipts from all other sources, specifying what, in detail; total receipts from all sources during the year; payments for maintenance and repairs; payments for interest; payments for dividends on stock, amount and rate per centum; total payments during the year; the number of persons injured in life and limb; the cause of the injury, and whether passengers, employees, or other persons.

Annual report.

SEC. 11. That each of said companies shall receive a rate of fare not exceeding five cents per passenger, and the said companies, and each of them, shall make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the district of Columbia six tickets shall be sold for twenty-five cents.

Fare.

SEC. 12. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment,
repeal, etc.

Approved, June 10, 1896.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

AN ACT to incorporate the Georgetown and Tennallytown Railway August 22, 1888.
 Company of the District of Columbia. Stats. 25, p. 446.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John W. Thompson, Richard H. Goldsborough, William J. Thompson, Henry H. Dodge, W. K. Ryan, Osceola C. Green, and Norval W. Burchell, of the District of Columbia; Arthur E. Bateman, T. W. Pearsall, and Harvey Durand, of the city and State of New York; and Nathaniel W. Bowe and John A. Coke, of the city of Richmond, State of Virginia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown and Tennallytown, Railway Company of the District of Columbia. with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same by cable or electric power for carrying passengers in the District of Columbia, from the Potomac River near High street, to, and along High street in Georgetown to the Tennallytown road, but wholly outside of the limits of said road, and along the side of the said road to the District line; also the privilege of laying such conduits beneath the surface of Water street for the purpose of conveying or communicating power from any suitable point along said Water street to said High street, as may be found necessary, and subject to the approval of the Commissioners of the District of Columbia: *Provided, however,* That such conduits shall be laid so as not to impair the surface of said Water street for traffic and wagon travel. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of other duly incorporated street railway companies in the District of Columbia, either or both company may use the said track when necessary: and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable power or such other motive power as it is authorized to use to propel its own cars over the routes prescribed in this act, and may repair and construct such

Georgetown
and Tennally-
town Railway
Company incor-
porated (amend-
ed).

Motive power.

Route.

Conduits.

Coinciding
routes.

Motive power.

	portions of its road as may be upon the line or route, or routes, of any other road thus used; and in case of any disagreement regarding such construction or repairs with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate
Fare.	of fare not exceeding five cents for each passenger for any distance between the termini of said railway, and shall sell tickets in packages six for twenty-five cents. Said railway
Construction.	shall be constructed of good materials and in a substantial manner, with rails of the most approved pattern, the gauge to correspond with that of other city railroads, all to be approved by the Commissioners of the District of Columbia. The tracks of said railway, the space between the
Paving.	tracks, and two feet beyond the outer rails thereof, where the streets are now paved, or shall hereafter be paved, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good order, and on streets and roads not paved said corporation shall keep said tracks and the space between them in good repair, at its own expense, and subject to the approval of the District Commissioners. It shall be lawful for said corporation, its successors or assigns, to make all needful
Excavations.	and convenient trenches and excavations in any streets or places where said corporations may be authorized to construct and operate its roads, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along the line as may seem most desirable to the board of directors of said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-
Engine houses, etc.	house, and other buildings necessary for the successful operation of such cable or electric railroad. The rate of
Speed.	speed on said road shall not exceed twelve miles an hour, under a penalty of fifty dollars, recoverable by the Commissioners of the District by suit in any court of competent jurisdiction in the District of Columbia. Said company shall, on or before the fifteenth of January of each
Annual report.	year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal
Taxes.	taxes for the next ensuing year four per centum of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable, and subject to the same penalties on arrears; and the franchise and property of said com-

pany, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as may be provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property, used solely and exclusively in the operation and management of said railway.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars in shares of fifty dollars each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed, as follows, namely: Ten per centum at the time of subscribing, and the balance of such subscriptions to be paid at such times and in such amounts as the board of directors may require, and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors, the board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due), under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said corporation may sue and collect the same from any delinquent subscriber, in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require. And according to a published schedule to be filed with the District Commissioners, and be approved by them. The said company may buy, lease, or construct passenger rooms, ticket offices, workshops, depots, and buildings as they may deem necessary, at such points along its line as may be approved by the Commissioners of the District, and as the business of the railway and the convenience of the public may require. Whenever one-half of the said whole capital stock of said company so subscribed, as aforesaid, shall have been paid in, the said corporation shall have the right to issue bonds to an amount equal to half the stock subscribed, to be secured by mortgage of its franchise and property, real and personal: *Provided*, That no larger amount of stock and bonds shall be issued than the actual cash cost of the construction and equipment of the road: *Provided*, That the moneys raised on said bonds shall be used and expended for the improvement and completion of the said road, and not for the purpose of repaying the said corporation for the moneys expended by it on said road. Within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of

Capital stock.

Subscription.

Cars.

Passenger
rooms, etc.

Bonds.

Limit of stock
and bonds.

subscription to the capital stock of said company to be opened and kept opened, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders:

Opening of subscription books. *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum, at the time of subscribing, except lawful money or certified checks from any established national banking-house. And when the books of subscription to the capital stock of said company shall be closed, the corporators and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which meeting notice shall be given in a public newspaper published daily in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Payments. SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Meeting of stockholders.

Directors.

Officers.

Filling vacancies.

By-laws. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders and to the Commissioners of the District of Columbia. Said

Annual meeting.

company shall have at all times the free and uninterrupted use of the railway; and if any person or persons shall willfully or mischievously, unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom by the company's employees for any other cause than of being drunk, disorderly, or contagiously diseased, or for the use of obscene or profane language, refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company. The said Georgetown and Tennallytown Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction. The principal office of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat, and open at all times to the inspection of the stockholders. The meeting of the stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

Free use of railway.

Exclusion from cars.

Crossings.

SEC. 4. That the said work shall commence within one year from the passage of this act, and be completed its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within two years from the date of the passage of this act; otherwise this charter shall be null and void.

Commencement and completion.

SEC. 5. That Congress hereby reserves to itself the right to at any time alter, amend, or repeal this act.

Amendment.

Received by the President August 10, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

102 LAWS RELATING TO STREET-RAILWAY FRANCHISES.

March 24, 1890. AN ACT to amend an act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia, which became a law August tenth, anno Domini eighteen hundred and eighty-eight.
Stats. 26, p. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia" be, and the same hereby is, amended, by substituting after the words "and along High street, in Georgetown, to the Tennallytown road" the words "and thence along and in said road" for the words "but wholly outside of the limits of said road and along the side of said road": *Provided*, That the inner line of rails shall be at the minimum distance of eight feet from the center of the improved road-way: *And provided further*, That said railway shall be located on such side of the road way as may be indicated by the Commissioners of the District of Columbia.

Approved, March 24, 1890.

July 14, 1892.

District appropriation bill, 1893.

U. S. Stat. 27,
p. 155.

Georgetown
and Tennally-
town Ry. Co.
Shall pay for
certain improve-
ments to High
street.

Provided, That the streets and avenues shall be completed in the order in which they appear in said schedules, except High street, so far as the amount of money herein appropriated shall suffice for the work, and one-half of the cost of widening High street named in the Georgetown schedule shall be charged to the Georgetown and Tennallytown Railway Company of the District of Columbia and collected from said company in the same manner as the cost of laying down pavements, sewers, and other work, or repairing the same, lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, are collectible under the provisions of section five of the act entitled "An act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight"; and the act of August twenty-second, eighteen hundred and eighty-eight, entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," is hereby altered and amended so as to authorize and require such charge and collection.

Approved, July 14, 1892.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

AN ACT to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

Sept. 26, 1888.

Stats. 25, p. 492.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Anthony Hyde, William A. Gordon, Robert B. Tenney, Henry H. Dodge, Morris J. Adler, Edward L. Dent, John A. Baker, John Marbury, and Henry M. Sweeny, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown Barge, Dock, Elevator, and Railway Company, with authority to build and maintain a dock or docks on the Potomac River west of Rock Creek, and to receive therein, and send therefrom, barges, vessels, cargoes, and railway cars, from and to any points on the Potomac River and its tributaries and coastwise; and to construct and maintain single or double track railways in the city of Georgetown or West Washington, District of Columbia, through and along Water street, beginning at a point on the west side of the Aqueduct Bridge, through and along said Water street, under said bridge to the eastern terminus of said Water street at Rock Creek, with the privilege of extending its tracks from the intersection of Water street and Washington or Thirtieth street along Washington or Thirtieth street to the Potomac River, and from the intersection of Virginia avenue and Washington or Thirtieth street along Virginia avenue to Rock Creek, with sidings, turn-outs, turn-tables, and switches necessary for the delivery of cars to warehouses and depots along said streets; and also to construct and maintain warehouses, depots, and elevators in said city of Georgetown or West Washington, with the right to receive and dispatch boats and freight of all kinds, and to run cars on said tracks, sidings, switches, turn-outs, and turn-tables, propelled by steam, horse, or electric power; and to charge and receive for the use of the docks, railway, warehouses, depots, elevators, and barges of said company, such rates as may be fixed by the directors, with the approval of the Commissioners of the District: *Provided*, That when said lines coincide with the duly authorized lines of any duly incorporated street railway of the District of Columbia, said company shall lay separate and independent tracks in the original construction of the said lines whenever, in the judgment of the Commissioners of the District of Columbia, it shall be deemed by them possible and practicable so to do. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks, when, on

Georgetown Barge, Dock, Elevator, and Railway Company incorporated.

Route.

Warehouses, depots, etc.

Coinciding routes.

- account of the width of the streets, or for other sufficient reason, it shall be deemed by the Commissioners of the District to be necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said company fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, laid upon an even surface with the pavement of the street, with the gauge to correspond with that of the Baltimore and Ohio and Baltimore and Potomac Railroad Companies, all to be approved by the Commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good repair at its own expense and subject to the approval of the Commissioners aforesaid. And if the corporation shall fail to make the necessary repairs within ten days after notice by the Commissioners, the repairs shall be made by the Commissioners, and the cost of such repairs be recovered by the Commissioners before any court of competent jurisdiction. It shall be lawful for said corporation, its successors, or assigns, to operate its said road by steam, horse, or electric power. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the Commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the operation of a steam, horse, or electric motor railroad. The main line of said road shall be completed within two years from the passage of this act; and if work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void.
- Construction.**
- Tracks.**
- Engine houses, etc.**
- Completion, etc.**
- Capital stock.**
- Bonds.**
- Subscriptions.**
- SEC. 2. That the capital stock of said company shall not exceed fifty thousand dollars and be not less than twenty-five thousand dollars, in shares of fifty dollars each; but if said company shall find it necessary to purchase or construct barges and tug-boats then the said company shall have the right to issue additional stock or bonds, not exceeding fifty thousand dollars: *Provided, however,* That no bonds shall be issued hereunder until at least fifty per centum of the capital stock shall have been actually paid into the treasury of the company upon stock subscriptions, and that no bonds shall be issued for a greater sum than the sum actually paid into the treasury of the company upon stock subscriptions. And said company shall require the

subscribers to the capital stock to pay in cash, to the treasurer appointed by the corporators, the amounts severally subscribed by them as follows, namely: Ten per centum at the time of subscribing and five per centum each thirty days thereafter until fifty per centum thereof shall have been paid; the balance of such subscriptions to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by a resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall buy, lease, construct, and maintain workshops, depots, lands, and buildings as they may deem necessary at such points along its line as may be approved by the Commissioners of the District, and as the business of the company may require: *Provided*, That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the stock shall be sooner subscribed; and said corporators shall give public notice, by advertisement in two of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing and the additional installments hereinbefore provided for, except lawful money or certified checks from any national bank; and when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders

Organization.

Payments on stock.

Meeting of stockholders.

of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Directors.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the directors (a majority of whom shall be a quorum) shall elect one of their number to be President of the board, who shall be president of the company; and they also shall choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors, by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for election of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in

By-laws.

Annual report.

Obstruction of cars, etc.

their by-laws may prescribe; and said directors shall annually make a report, in writing, of their doings, to the stockholders. If any person or persons shall willfully, mischievously, or unnecessarily obstruct or impede the passage of the cars, engines, or barges of said company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with operatives while in transit, or destroy or injure the tracks, barges, cars, or other property belonging to said company, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. That the Commissioners of the District shall make such reasonable regulations as may be deemed proper to prevent the said railroad company from obstructing any of the streets the tracks of said company may cross, and for the violation of said regulations the said company shall be subject to a penalty not exceeding one hundred dollars, to be recovered in any court of competent jurisdiction. The principal offices of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded

Regulations by Commissioners.

Office.

shall be closed for the purpose of such transfer thirty days before the annual election.

SEC. 4. That each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to the amount of the par value of the stock held by such stockholder, until the same shall have been fully paid up.

Liability of stockholders.

SEC. 5. That the said company shall, on or before the fifteenth day of January of each year, make a report to Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source, and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, five per centum of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, including its docks and barges, cars, and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate.

Annual report.

Taxes.

SEC. 6. That the water front at the end of all public streets and highways shall be and remain open to the use of the public.

Water front of streets.

SEC. 7. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Amendment.

Approved, September 26, 1888.

MARYLAND AND WASHINGTON RAILWAY COMPANY.

AN ACT to incorporate the Maryland and Washington Railway Company. August 1, 1892.
Stats. 27, p. 341.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Abram P. Fardon, J. Henry Small, junior, Wright Rives, Redford W. Walker, Louis D. Wine, John O. Johnson, Charles A. Wells, Joseph A. Blundon, A. O. Bliss, Edwin A. Newman, Van H. Manning, Wallace A. Bartlett, Ellis Speare, Benjamin D. Stephen, D. M. Nesbit, P. A. Scaggs, Francis H. Smith, W. Clarence Duvall, Filmore Beall, and their associates, successors, and assigns are hereby created a body corporate by the name, style, and title of the "Maryland and Washington Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a single or double track railway, and if it should construct and lay down a single-track railway with the right subsequently to change the same to a double-track railway, as may be approved by the Commissioners of the District of Columbia, with the necessary switches, turn-outs, and other mechanical devices, through and along the following routes, to wit: Beginning at the point where Rhode Island avenue of the city of Washington if extended in its present course would intersect Fourth street northeast, as extended due north, and running thence with and along said Rhode Island avenue as thus extended, or adjacent thereto, to a point at or near the point of intersection of said Rhode Island avenue with the northeast boundary line of the District of Columbia: *Provided*, That all of the routes herein mentioned shall be subject to the approval of the Commissioners of the District of Columbia: *Provided further*, That whenever the lines of the said company shall cross any steam railway they shall cross by an overhead bridge or beneath the tracks of said railway, as may be approved by the Commissioners of the District of Columbia.

SEC. 2. That said company may run public carriages propelled by cable, electric, or other mechanical power, subject to the approval of the said Commissioners, but nothing in this act shall allow the use of steam power in locomotives: *Provided further*, That for the purpose of making a continuous connection the said company shall have the right to cross all streets, avenues, and highways that may be necessary for the purpose.

Maryland and Washington Railway Company incorporated (amended).

Route (extended).

Subject to approval of Commissioners.

Motive power.

Crossings.

Fare. SEC. 3. That said company shall receive a rate of fare not exceeding five cents per passenger for any continuous ride over its line within the District of Columbia; and the said company may make arrangements with all existing railway companies in the District of Columbia, for the interchange of tickets in payment of fare on its road: *Provided*, That six tickets shall be sold for twenty-five cents within the District limits.

Annual report. SEC. 4. That said company shall, on or before the fifteenth of January of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein, the amount of stock held by each and the amount paid thereon, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by affidavit of the president and secretary of said company, and, if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings, which amount shall be payable to the collector of taxes, at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said four per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

Construction
(sec. 5 amended). SEC. 5. That the said railway shall be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of the said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other city railways. Wherever more than one of the tracks of said railroad company shall be constructed on any of the public highways in the District of Columbia, the width of the space between the two tracks shall not exceed four feet.

Paving. SEC. 6. That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times in such good order as the Commissioners of the District of Columbia may require, wherever it shall run over streets, avenues, and highways, subject to

the approval of the said Commissioners, without expense to the United States or the District of Columbia.

SEC. 7. That nothing in this act shall prevent the District of Columbia, at any time, at its option, from altering the grade or otherwise improving all avenues and streets and highways occupied by said road, or from so altering or improving such streets and avenues and highways, and the sewerage thereof, as may be under its authority and control; and in such event it shall be the duty of said company to change its railroad so as to conform to such grade as may have been thus established. Grades.

SEC. 8. That it shall be lawful for said corporation, its successors, or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground constructions shall be borne by the said railway company. Excavations,
etc. (sec. 8
amended).

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house and all other buildings necessary for the successful operation of a cable motor, electric, pneumatic, or other railroad. Power houses,
etc.

SEC. 10. That it shall not be lawful for said corporation, its successors, or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding that which may be fixed from time to time by the said Commissioners, and for each violation of this provision said grantees, their successors, or assigns, as the case may be, shall be subject to a penalty of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia. Speed.

SEC. 11. That the line of said railway company, from the point of beginning herein named to a point at or near the intersection of Rhode Island avenue extended and the northeast boundary of the District of Columbia, shall be commenced within six months and completed within twenty-four months from the passage of this act. Commence-
ment and com-
pletion.

SEC. 12. That the said company is hereby authorized to issue its capital stock to the amount of the actual cost of construction, equipment, and purchase of right of way and ground necessary for its proper working, and not to exceed in all the sum of two hundred thousand dollars. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed by them, as fol- Capital stock.

lows, namely: Ten per centum at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the ten per centum thereof shall be paid at the time of subscribing as hereinbefore provided, and no assessment exceeding ten per centum to be made at any one time; but at least fifty per centum of the entire stock subscribed shall be paid within six months from the date of subscription, and the whole amount shall be paid within two years from said date; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Meeting of incorporators (sec. 13 amended.)

SEC. 13. That within thirty days after the passage of this act corporators named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company, and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the

Payment of subscriptions.

time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money, or certified checks from any established bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days there-

Meeting of stockholders.

after, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by

Consolidation forbidden.

proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter. And it shall be unlawful for

the franchise hereby granted to be sold or transferred to any individual or corporation before the road shall have been constructed and equipped for business.

SEC. 14. That the said company shall place first-class cars on said railway, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require; the time table or schedule of time to be approved by the said Commissioners of the District of Columbia. Equipment.

SEC. 15. That the company shall buy, lease, or construct such passenger rooms, ticket offices, workshops, depots, lands, and buildings as they may deem necessary, at such points on its line as may be approved by the said Commissioners. Passenger rooms, etc. (sec. 15 amended).

SEC. 16. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business. Articles left in cars.

SEC. 17. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice-president, a secretary, and treasurer, who shall give bond with surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors. Directors.

SEC. 18. That the directors shall have the power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia. Officers.

SEC. 19. That there shall be at least an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make report in writing of their doings to the stockholders. By-laws.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of its roadway, and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to Annual meeting.

said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars to the District of Columbia, to be recovered as other fines and penalties in said District, and shall remain liable to the said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 21. That the said Maryland and Washington Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt travel of such other railways in such construction.

Ejection from cars.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Amendment.

SEC. 23. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Sec. 24 amended.

SEC. 24. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, with necessary slopes, and one hundred and thirty feet in width in the line of Rhode Island avenue extended, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That the extension of Rhode Island avenue herein authorized, whether acquired by condemnation or otherwise, shall be dedicated to the public use in the same manner and subject to the same regulations and control that apply to other streets and avenues in the District of Columbia occupied by street railways.

Condemnation proceedings.

Extension of Rhode Island avenue.

Approved, August 1, 1892.

August 23, 1894. JOINT RESOLUTION to extend the charter of the Maryland and Washington Railway Company.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for building and completing the railway provided for in an Act entitled "An Act to incorporate the Maryland and Washington Railway Company," approved August first, eighteen hundred and ninety-two, be, and the same is hereby, extended six months from and after the first day of August, eighteen hundred and ninety-four.

Maryland and Washington Ry. Co.

Charter extended.

Approved, August 23, 1894.

AN ACT to amend an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August first, eighteen hundred and ninety-two, and for other purposes. March 2, 1895.
Stats. 23, p. 713.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of the Act entitled "An Act to incorporate the Maryland and Washington Railway Company," approved August first, eighteen hundred and ninety-two, be, and it is hereby, amended so as to read as follows: Maryland and Washington R'y Co., charter amended.

"SEC. 5. That the said railway shall be constructed of good materials and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the Commissioners of said District, laid upon an even surface with the pavement of the street, and the gauge to correspond with that of other railways in the District of Columbia. Wherever more than one of the tracks of said railway company shall be constructed in any of the public highways in the District of Columbia, the width of the space between the two tracks shall not be less than five feet. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks shall be subject to the approval of the Commissioners of the District of Columbia." Construction.

Space between tracks.

That section eight of said Act be, and is hereby, amended so as to read as follows:

SEC. 8. That it shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the said Commissioners. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground constructions shall be borne by the said railway company. And the said company shall be liable for any damage to pipes or other underground constructions, caused by the passage of its cars over the same or by electric currents used in the propulsion of its cars. Trenches, etc.

Damage to underground constructions.

That section thirteen of said Act be, and it is hereby, amended to read as follows:

"SEC. 13. That within thirty days after the passage of this Act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act then a majority of the remainder, shall meet at some convenient and accessible place, in the District of Columbia, for the organization of said company, and for the receiving subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay, at the time of subscribing, ten per centum of the amount by him subscribed to the treasurer appointed by the Organization of company.

Subscription to stock.

To be wholly paid in within one year.

Stock not to be voted unless paid for.

Stock shall be wholly paid in before bonds are issued.

Meeting of corporators.

Buildings, passenger houses, etc.

Opening Rhode Island ave.

corporators, or his subscription shall be null and void: *Provided*, That the full face value of said stock shall be wholly paid for in cash within twelve months after the subscription therefor is made, and after twelve months no stock shall be voted unless the same has been wholly paid for: *And provided*, That the said stock shall be wholly paid for before any bonds shall be issued: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money, or certified checks from any established bank. And when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given by person or by proxy."

That section fifteen of said Act be, and is hereby, amended so as to read as follows:

"SEC. 15. That the said company is authorized to erect and maintain, subject to the approval of the Commissioners of the District of Columbia, the power houses and buildings necessary to the operation of its road, and shall furnish and maintain, as required by said Commissioners, passenger houses and transfer stations; failure to furnish and maintain such passenger houses and transfer stations shall render said company liable to a fine of twenty-five dollars for each and every day of such failure, after reasonable notice, said fine to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia."

That section twenty-four of said Act be, and is hereby, amended so as to read as follows:

"SEC. 24. That in the event that Rhode Island avenue shall not have been extended, and said company shall not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass for the purchase or dedication of so much land as may be necessary for the opening of Rhode Island avenue, then the said company may institute proceedings for the condemnation of so much land as may be required for the extension of the aforesaid avenue: *Provided*, That the strip of land so to be acquired by condemnation shall be one hundred and thirty feet in width, and shall be located according to the official plats for the extension of Rhode Island avenue: *And provided further*, That all the land within the lines of the proposed extension of Rhode Island avenue which shall be acquired by said Maryland and Washington Railway Company, either by purchase or condemnation, shall, by appropriate conveyance, be dedicated, before tracks are laid

therein, by said Maryland and Washington Railway Company as an extension of Rhode Island avenue to the extent of the land so acquired.

"Such proceedings may be instituted and conducted by the company in the supreme court of the District of Columbia, holding a special term as a district court, and shall be commenced by a petition of the company for the condemnation of such land as has not yet been purchased or dedicated and for the ascertainment of just compensation for the taking of such land for the purposes aforesaid. Condemnation proceedings.

"Such petition shall contain a particular description of the property not so purchased or dedicated and selected for the use aforesaid, with the names of the respective owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to summon all such owners and all other persons interested to appear in said court at a time to be fixed by said court. If it shall appear to the court that there are any owners or other persons interested who are nonresidents of the District of Columbia publication may be substituted for personal service of process upon such nonresident, after any summons has been returned 'not to be found,' in the same manner as is provided by law with reference to nonresident defendants in actions of ejectment; and if it shall appear that there are any persons under disability, either who have been served with process or who have been proceeded against by publication, the court shall appoint a guardian ad litem for such persons. Content of petition.

"After all the parties interested have been served with process or proceeded against by publication, as aforesaid, the court shall, upon the return day stated in said process or order of publication, proceed to appoint three competent and disinterested persons commissioners to appraise the damages which the owner of the land taken may sustain by such appropriation. The commissioners shall be duly sworn, and they shall consider the damages which such owner may sustain by reason of the appropriation by such railway company of the land proposed to be taken for the purposes aforesaid, and shall forthwith return their assessment of such damages to the clerk of the court. Appraisers to be appointed by court.

"That when the use of a part of any parcel or tract of land shall be condemned in such proceedings the commissioners in assessing the damages therefor shall take into consideration the benefit of the purpose for which it is taken may be to the owner or owners of such tract or parcel by enhancing the value of the remainder of the same and shall make their award accordingly, and the court may require in such case that the damages and benefits shall be found and stated separately, and when the award shall have been confirmed by the court said company, unless an appeal is taken, shall make a payment of the amounts awarded to the respective owners thereof, according to the judgment of the court; and in case any of such persons are under disability or can not be found, and no person is authorized to receive the said award, or in case any person entitled to an award Benefits to be considered.

Payment of awards.

shall neglect to receive the same, or in case an appeal shall be taken concerning an award, then the money to be paid on account of such award shall be deposited in the registry of the court to abide its further order; and when such payments are made or the amounts belonging to persons to whom payment shall not so be made for any of the aforesaid reasons are so deposited, the use of said land shall be deemed to have been condemned and taken for the use of said railway company, and no appellate proceedings or controversies as to ownership shall interfere with or delay said company in taking possession of the land so condemned after payment therefor as above provided; but when any award shall have been approved by the said court holding a special term as aforesaid, the said company shall be entitled to take immediate possession of the parcel of land, in regard to which said award has been approved and payment or deposit made, and the court shall enforce such right of possession by proper order and process addressed to the marshal of the United States for the District of Columbia. Any party aggrieved by the final order or decree of said court, in special term aforesaid, fixing the amount of damages as to any parcel of land may take an appeal therefrom to the court of appeals of the District of Columbia in the manner now provided by law. And said court of appeals may affirm, reverse, or modify the order or decree appealed from: *Provided*, That said court of appeals shall consider only questions of law arising on such appeal. From the final decree of said court, in special terms as aforesaid under this Act, distributing the damages among contending claimants, any party aggrieved may, in like manner, take an appeal to said court of appeals. Any appeal under this Act shall be taken within twenty days after the making of the final order or decree appealed from, and not afterwards, and shall be subject to existing laws and rules of court regulating appeals to said court of appeals. Cases arising under this Act shall have precedence over all other business in said court, in special term, and shall have precedence in said court of appeals over all other cases, except criminal cases; and the decision of said court of appeals upon any questions arising under this Act shall be final."

Appeal from
decision of court.

These cases
given precedence.

Bonds authorized.

Issue of stock
and bonds limited.

SEC. 2. That for the purpose of constructing and equipping its said railway, and acquiring rights of way as provided for in this Act, the said Maryland and Washington Railway Company is hereby authorized and empowered to issue its bonds to aid in paying for such construction and equipments and rights of way, and secure the said bonds by mortgage or deed of trust of its franchises, rights of way, and all of its property of whatsoever kind, whether real or personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the purposes aforesaid: *And provided further*, That the amount of said bonds and stock shall not exceed the cost of the construction of the said road and of the plant necessary to operate the same; and in no case shall the amount of stock and bonds so issued exceed the sum of four hundred and fifty thousand dollars.

SEC. 3. That the line of said railway company, from the point of beginning herein named to a point at or near the intersection of Rhode Island avenue extended and the northeast boundary of the District of Columbia, shall be commenced within six months and completed within twelve months from the date of approval of this Act; and the said Maryland and Washington Railway Company is hereby authorized to construct and lay down a single or double track railway, and to operate the same as provided in the Act incorporating said company, westerly along Rhode Island avenue to North Capitol street, to connect with the tracks of the Eckington and Soldiers' Home Railway Company, and thence southerly on said street over the tracks of said last-mentioned company to F street; the price for the use or purchase of said tracks to be fixed by the board of directors of said companies, and on their failure to agree as to the price it shall be fixed by the supreme court of the District of Columbia, upon petition to be filed on the equity side of said court by either company. The said extension shall be completed within the time hereinbefore provided for with reference to the original line of said railway: *Provided*, That nothing in this Act shall operate to authorize the erection of overhead wires within the limits of the city of Washington.

Commencement and completion.

Extension of route.

Route in city.

No overhead wires in city.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 5. That Congress hereby reserves the right at any time to alter or amend or repeal this Act.

Amendment; repeal.

Approved, March 2, 1895.

AN ACT extending the time within which the Maryland and Washington Railway Company shall be required to complete the building of the road of said company, under the provisions of an act of Congress approved August first, eighteen hundred and ninety-two, as amended by an act of Congress approved March second, eighteen hundred and ninety-five.

February 20, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the Maryland and Washington Railway Company is required to complete and put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved August first, eighteen hundred and ninety-two, as amended by an Act approved March second, eighteen hundred and ninety-five, be, and the same is hereby, extended for the term of one year from the second day of March, eighteen hundred and ninety-six; and that all the franchises, rights, and powers conferred by said Acts, or either of them, upon said railway company may be enjoyed and exercised as fully and completely as if said railway had been completed and put in operation prior to March second, eighteen hundred and ninety-six.

Maryland and Washington Ry. Co.

Time for completion extended to March 2, 1897.

Approved, February 20, 1896.

METROPOLITAN RAILROAD COMPANY (EMBRACING THE CONNECTICUT AVENUE AND PARK RAILWAY COMPANY, THE UNION RAILROAD COMPANY, AND THE BOUNDARY AND SILVER SPRINGS RAILWAY COMPANY).

AN ACT to incorporate the "Metropolitan Railroad Company" in the District of Columbia. July 1, 1864.
Stats. 13, p. 326.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Alexander R. Shepherd, Richard Wallach, Lewis Clephane, Samuel P. Brown, Nathaniel Wilson, Franklin Tenney, Matthew G. Emery, Samuel Fowler, John Little, J. C. McKelden, Sayles J. Bowen, John H. Semmes, D. C. Forney, William W. Rapley, Wm. G. Moore, Thomas Lewis, John B. Keasby, and Charles H. Nichols, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Metropolitan Railroad Company," with authority to construct and lay down a double-track railway, with the necessary switches and turn-outs, in the city of Washington, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of A street north and New Jersey avenue, at the north side of the Capitol; along the east side of New Jersey avenue to D street north; along D street north, and along C street north and Indiana avenue to the intersection of D street north with Indiana avenue; along Indiana avenue, D street north, and Louisiana avenue to Fifth street west; along Fifth street west to F street north; along F street north to Fourteenth street west; along Fourteenth street west to I street north; along I street north, across Pennsylvania avenue, to the junction of New Hampshire avenue and Twenty-third street west; thence along New Hampshire avenue to the Circle. Also, a double or single track branch railway, commencing at the intersection of D street north and New Jersey avenue; along New Jersey avenue to Massachusetts avenue; along Massachusetts avenue to H street north; along H street north to Seventeenth street west, intersecting the double-track road. Also, a double or single track road from the intersection of Fifteenth street west and I street north, connecting with the double-track road at Fifteenth street west; along I street north to New York avenue; along New York avenue to Ninth street west; along Ninth street west to the Washington canal; with the privilege of extending the said branch road at any time along Ninth street west to M street north, along M street north to Twelfth street west, and along Twelfth street west to the Wash-

Metropolitan
Railroad Com-
pany incorpo-
rated (amended).

Route (amend-
ed).

ington canal and Maryland avenue to the Potomac river, with the right to run public carriages thereon drawn by horse power, receiving therefor a rate of fare not exceeding five cents per passenger, for any distance between the termini of either of the said main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits.

* Motive power
(changed).
Fare.

Subject to mu-
nicipal regula-
tions.

Taxation.
License for
cars.

SEC. 2. *And be it further enacted*, That the said roads shall be deemed real estate, and they, together with other real property and personal property of said body corporate, shall be liable to taxation, as other real estate and personal property, and to license for their vehicles or cars in the cities aforesaid, except as hereinafter provided, and that all other corporations in the District of Columbia heretofore organized for like purposes shall be subject to pay license, as provided in this section.

Construction.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centre of the avenues and streets, (excepting New Jersey avenue, and there it shall be laid as hereinbefore provided for,) as near as may be, without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved patterns, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets; and the space between the two tracks shall not be less than four feet, nor more than six feet; and the carriages shall not be less than six feet in width, the *gauge* [gauge] to correspond with that of the Baltimore and Ohio Railroad.

Paving.

SEC. 4. *And be it further enacted*, That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States or to the city of Washington.

Grade may be
changed.

SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the Government at any time, at their option, from altering the grade or otherwise improving all avenues and streets occupied by said road, or the city of Washington from so altering or improving such streets and avenues and the sewerage thereof as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railroad so as to conform to such grade and pavement.

Amendment.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

May not issue
notes, etc., as
currency.

SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

SEC. 8. *And be it further enacted*, That the capital stock of said company shall not be less than two nor more than five hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

Capital stock.

SEC. 9. *And be it further enacted*, That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every four minutes on the route from the Capitol, via the Baltimore and Ohio Railroad depot and departments, to the Circle; and on the other routes once in fifteen minutes each way, and until twelve o'clock at night as often as every half hour; and throughout the day and night as much oftener as public convenience may require.

Cars.

Schedule.

SEC. 10. *And be it further enacted*, That said company shall procure such passenger rooms, ticket offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

Passenger rooms, etc.

Connection with depots and stables.

SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to their principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Articles left in cars.

SEC. 12. *And be it further enacted*, That, within five days after the passage of this act, the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days, (unless the whole stock shall be sooner subscribed for,) and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened. And subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money: *Provided further*, That no person shall be allowed to subscribe for more than fifteen thousand dollars. And when the books of subscription to the capital stock of said com-

Books of subscription to be opened.

Subscribers shall be stockholders.

Payment at time of subscribing.

Limit of subscription.

- pany shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.
- First meeting.** SEC. 13. *And be it further enacted,* That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and till others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.
- Directors.**
- Officers.**
- By-laws.** SEC. 14. *And be it further enacted,* That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States and the ordinances of the city of Washington: *Provided,* That there shall be no regulation excluding any person from any car on account of color.
- Annual meeting.** SEC. 15. *And be it further enacted,* That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.
- Free use of roadway.** SEC. 16. *And be it further enacted,* That the said company shall have at all times the free and uninterrupted use of the roadway. And if any person or persons shall willfully or unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars, to be recovered and disposed of as other fines and penalties in said cities, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

SEC. 17. *And be it further enacted*, That unless said corporation shall make and complete their said railways between the Capitol and Seventeenth street west within four months after the company shall have been organized, and the railways on the other routes herein described within one year after the company shall have been organized, than this act shall be null and void, and no rights whatever shall be acquired under it. Time for building.

SEC. 18. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act, [are], for the purposes of this act, hereby repealed, so far as the same are inconsistent therewith. Repealing clause.

SEC. 19. *And be it further enacted*, That each of the stockholders in the Metropolitan Railroad Company shall be individually liable for all the debts and liabilities of said company, to an amount equal to the amount of stock held by such stockholders. Liability of stockholders.

SEC. 20. *And be it further enacted*, That the said railroad company shall keep in good repair and in clean condition the flagstones or cross-walks leading to, upon, and over their tracks at the crossings of the several streets, which intersect their railroad, removing therefrom snow and ice, as well as mud, dirt, or other annoyance; and shall further, whenever necessary to render such crossings dry and convenient, raise or elevate the same sufficiently for that purpose, and shall adjust the adjoining pavement so as to make it convenient for carriages to pass said crossings. Street crossings to be kept clean.

SEC. 21. *And be it further enacted*, That for each and every violation of the foregoing provisions the said company shall forfeit and pay a sum not less than five dollars and not more than one hundred dollars, which may be recovered, with costs of suit, on complaint of any person aggrieved, in any court of competent jurisdiction in the District of Columbia. Such action may be prosecuted in the name of the city of Washington, and one-half of the penalties recovered shall be for the use of the city of Washington, and the other half for the use of the complainant: *Provided, however*, That any party complainant shall, before commencing such action, file with the Clerk of the Supreme Court of the District of Columbia a bond to be approved by the clerk of the said court, with at least one surety, to be approved by said clerk, and in a penalty of one hundred dollars, conditioned that the complainant shall well and truly save harmless, and indemnify the said city against the payment of all costs and charges which shall be recovered against said city by reason of the failure of the complainant to prosecute or maintain his said complaint. Penalty for not cleaning crossings.

SEC. 22. *And be it further enacted*, That the said railroad company shall, by the fifteenth day of January, after the completion of said road, and annually on or before that day thereafter, transmit to Congress a full report of the affairs, business, and condition of the said company for the year terminating December thirty-one preceding such report, and such report shall be signed and sworn to by the president and treasurer of the company, or by a majority of Annual report.

the directors, and shall specify the following items: First, Capital stock fixed by charter. Second, Capital stock subscribed and actually paid in in cash. Third, Dividends made to stockholders on the capital stock of the company, and when made. Fourth, Total capital stock at the termination of the previous year. Fifth, Funded debt of the company, and in what way secured. Sixth, Floating debt of the company. Seventh, Total indebtedness of the company exclusive of capital. Cost of road. Eighth, Total cost of rails, chains, spikes, and other iron used in construction. Ninth, Total cost of ties, stringers, and other wood or timber used in construction. Tenth, Cost of paving-stone, gravel, and other material used in construction not above enumerated. Eleventh, Cost of labor in the construction of the road. Twelfth, Cost of engineering and salaries paid to officers and agents of the company, and discount of interest paid on loans. Thirteenth, Amount expended in repairs of road. Cost of equipment. Fourteenth, Number and cost of cars. Fifteenth, Number of horses or mules used in the service of the road, and cost. Sixteenth, Cost of harness and other appointments. Seventeenth, Cost of tools and fixtures, including furniture of offices. Eighteenth, Cost of real estate and improvements thereon by the company. Characteristics. Nineteenth, Total length of roads, measured at single track, including switches and turn-outs. Twentieth, Weight and character of rail. Twenty-first, Number of passengers carried during the year. Twenty-second, Average number of passengers per trip. Income. Income of road. Twenty-third, Total receipts from passengers. Twenty-fourth, Total receipts from other sources, and what sources. Expenses of operation and maintenance of road. Twenty-fifth, Amount of salaries paid to officers of the company. Twenty-sixth, Amount paid to employees, with the number each of clerks, conductors, drivers, station-keepers, and laborers. Twenty-seventh, Amount paid for taxes of all kinds, and insurance. Twenty-eighth, Amount paid for reconstruction of and repairs to track, turn-outs, and other structures. Miscellaneous. Miscellaneous. Twenty-ninth, Amount of dividends paid during the preceding year in cash, and dividends in stock to stockholders and percentage of each. Thirtieth, Increase of capital stock, if any, during the year. Thirty-first, Number of persons killed or seriously injured on the road during the previous year, and the causes thereof.

Sale of tickets. SEC. 23. *And be it further enacted*, That it shall be the duty of said company, when said road is completed, to have prepared tickets for passage on their cars, and to keep them at their office for sale by the package of twenty-five or over at the rate of twenty-five for the dollar,

Approved, July 1, 1864.

AN ACT to amend an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia." March 3, 1865.
State. 13, p. 536.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July first, eighteen hundred and sixty-four, be, and the same hereby is, amended as hereinafter set forth, namely, that the first section be, and hereby is, amended by striking out all after the words "along H street north to Seventeenth street west, intersecting the double-track road," and inserting: also a double or single-track railway, commencing at the intersection of D street north and Four-and-a-half street west, along Four-and-a-half street west to the gate of the Arsenal; also a double or single-track branch railway commencing at the intersection of Ninth street west and the Washington canal, along Ninth street west to M street north, along M street north to Twelfth street west, along Twelfth street west to the Washington canal and Maryland avenue to the Potomac River; also a double or single-track branch railway, commencing at the intersection of Massachusetts avenue and H street north, along Massachusetts avenue to K street north, along K street north to the Circle, with the privilege of extending the said branch road at any time along K street north to Rock creek, across the bridge over Rock creek to Water street, Georgetown, along Water street in Georgetown to Green street, along Green street to Gay street, and along Gay street and First street to Fayette street, Georgetown, with the privilege of extending at any time the road now in operation from Seventeenth street west to the Capitol, from the present terminus of said road on A street north, along A street north to First street east, along First street east to East Capitol street, along East Capitol street to Ninth street east, along Ninth street east to L street south, with the right to run public carriages thereon, drawn by horse power, receiving therefor a rate of fare not exceeding eight cents per passenger, for any distance between the termini of either of said main railways or between the termini of said branch railways or between either terminus of said main railway, and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits. Metropolitan
R. R. Co. charter
amended.

Route changed.

Rates of fare.

Subject to municipal regulations.

SEC. 2. *And be it further enacted*, That section eight be, and hereby is, amended by striking out the words "five hundred thousand dollars," and inserting the words "one million dollars:" *Provided*, That the directors of said Metropolitan Railroad Company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, and such manner, and in such instalments, as they may deem proper; and if any stockholders shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest Stock increased.

Payment.

May be sold in default.

bidder, so many shares of said stock as shall pay said instalments, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said corporation, or may sue for and collect the same in any court of competent jurisdiction.

Time for completion.

SEC. 3. *And be it further enacted*, That section seventeen be, and hereby is, so amended as to allow the said corporation three years from the date of the approval of this act in which to complete the railways herein described and those described in the act to which this is an amendment.

Tickets.

SEC. 4. *And be it further enacted*, That the twenty-second section be, and hereby is, amended by striking out the words "at the rate of twenty-five for one dollar," and inserting the words "at the rate of sixteen for one dollar."

Exclusion from cars.

SEC. 5. *And be it further enacted*, That the provision prohibiting any exclusion from any car on account of color, already applicable to the Metropolitan Railroad, is hereby extended to every other railroad in the District of Columbia.

Approved March 3, 1865.

Jan. 30, 1865.

Stats. 13, p. 426. AN ACT to amend an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July 1, 1864.

Metropolitan R. R. Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the act to incorporate the Metropolitan Railroad Company of the District of Columbia, approved July 1, 1864, be, and the same is hereby, amended so as to extend the time for the completion of their railroad line, except that part thereof between Seventeenth street and the Capitol, for one year from the passage of this act: *Provided, however*, That the line from Seventeenth street and the Capitol be completed, equipped, and running within thirty days from the passage of this act.

Time for completion extended.

Approved January 30, 1865.

March 2, 1867.

Stats. 14, p. 440. AN ACT extending the time for the completion of certain street railways.

Metropolitan R. R. Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventeen of the act to incorporate the Metropolitan Railroad Company, in the District of Columbia, approved July 1, 1864, be, and the same is hereby, still further amended so as to extend the time for the completion of their railroad line, except that part thereof between Seventeenth street and the Capitol, for three years from the first day of January, 1866.

Time for completion extended.

Approved March 2, 1867.

AN ACT relating to the Metropolitan Railroad Company.

March 3, 1869.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company, in the District of Columbia, be, and is hereby, allowed five years from and after the passage of this act for the completion of its lines of street railways, authorized by the acts of July first, eighteen hundred and sixty-four, and March third, eighteen hundred and sixty-five, anything contained in said act or any other acts to the contrary notwithstanding.

Stats. 15, p. 339.
Metropolitan
R. R. Co.
Time for completion extended.

Approved March 3, 1869.

AN ACT to incorporate the Connecticut Avenue and Park Railway Company, in the District of Columbia.

July 13, 1868.

Stats. 15, p. 85.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Augustus B. Stoughton, John Little, John L. Kidwell, George H. Plant, LeRoy Tuttle, G. W. Hopkins, R. M. Hall, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Connecticut Avenue and Park Railway Company, with authority to construct and lay down a single or double track railway, with the necessary switches and turnouts, in the city of Washington, in the District of Columbia, through and along the following avenues, streets, and highways: Commencing at the intersection of Seventeenth street west and Pennsylvania avenue; along the west side of Seventeenth street to its intersection with H street north; thence along Seventeenth street west to its intersection with Connecticut avenue; thence along said avenue to Boundary street. Also, from the intersection of Boundary street and Connecticut avenue; along the county road from such intersection; thence on any road opened, or which may hereafter be opened, west of the Fourteenth-street road, to within or through the proposed public park, or to the county line of Washington County, with the right to run public carriages thereon drawn by horse power, receiving therefor a rate of fare not exceeding six cents a passenger for any distance on said road: *Provided*, That should a majority of stockholders so elect, said road, after reaching the intersection of Boundary street and Connecticut avenue, instead of continuing from said intersection up the county road now opened, may be constructed along Boundary street in the direction of Meridian Hill to any county road opened, or which may hereafter be opened, west of Sixteenth street west, and thence along said county road by the most practicable route to the terminus near, at, in, or through the proposed park, as hereinbefore provided.*

Conn. Ave. and
Park Railway
Co. incorpo-
rated.
(Absorbed by
Metropolitan R.
R. Co.)

Route.

Fare.

SEC. 2. *And be it further enacted, That said road shall be deemed real estate, and, together with other real and personal property of said body corporate, shall be liable to taxation as other real estate and personal property, and to license for their vehicles or cars in the city and county aforesaid, except as hereinafter provided.*

Taxation.

License for
cars.

- Construction.** SEC. 3. *And be it further enacted,* That the said railway shall be laid in the centers of the avenue and streets in the city, (excepting Seventeenth street; there it shall be laid as hereinbefore provided for,) as near as may be without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved pattern, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets or avenues; and the space between the two tracks, when two are laid, shall not be less than four feet nor more than six feet, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Baltimore and Ohio Railroad. That the railway in the county shall be laid in such manner as will least interfere with the ordinary travel of the roads on which the said track shall be laid.
- (See footnote for gauge.)
- Paving.** SEC. 4. *And be it further enacted,* That the said corporation hereby created shall be bound to keep said tracks, and for a space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States, the city or county of Washington.
- Grade may be changed.** SEC. 5. *And be it further enacted,* That nothing in this act shall prevent the Government at any time, at their option, from altering the grades or otherwise improving all avenues and streets occupied by said road, or the city of Washington from so altering or improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railway so as to conform to such grade and pavement.
- Amendment.** SEC. 6. *And be it further enacted,* That this act may be at any time altered, amended, or repealed by the Congress of the United States.
- Issue of notes, etc., as currency, forbidden.** SEC. 7. *And be it further enacted,* That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as currency.
- Capital stock.** SEC. 8. *And be it further enacted,* That the capital stock of said company shall be not less than fifty thousand dollars, nor more than two hundred thousand dollars, and that the stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.
- Cars.** SEC. 9. *And be it further enacted,* That the said company shall place first-class cars on said railway, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every ten minutes, between Pennsylvania Avenue and Boundary Street, and through the day and night on the entire road, or such portions as may be completed, as often as the public convenience may require.
- Schedule.**
- Passenger rooms, etc.** SEC. 10. *And be it further enacted,* That the said company shall procure such passenger rooms, ticket offices, stables, and depots, at such points as the business of the railroad and the convenience of the public may require. And said

company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned.

SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or vehicles of the said company shall be taken to their principal depot, and entered in a book of record of unclaimed goods, which said book shall be open to the inspection of the public at all reasonable hours of business. Articles left in cars.

SEC. 12. *And be it further enacted*, That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon until three o'clock in the afternoon, for a period, to be fixed by said corporators, not less than two days, and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That no one individual shall be allowed to subscribe for more than one hundred shares of said stock: *Provided, further*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If, at the end of two days, a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said capital stock among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day the books are closed: *Provided, further*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the clerk of the corporation. And in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy. Books of subscription to be opened.

Subscribers to be stockholders.

Payments.

First meeting of stockholders.

SEC. 13. *And be it further enacted*, That the government

- and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors, by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.
- Directors.**
- Officers.**
- By-laws.** SEC. 14. *And be it further enacted,* That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States and the ordinances of the city and county of Washington: *Provided,* That the directors of said corporation shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, after the first instalment, in such manner and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said instalments, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said corporation, or may sue for or collect the same in any court of competent jurisdiction.
- Stock in arrears.**
- Annual meeting.** SEC. 15. *And be it further enacted,* That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report, in writing, of their doings to Congress and the stockholders.
- Report.**
- Construction and operation of road not to be hindered.** SEC. 16. *And be it further enacted,* That the mayor, council of said city, and the levy court of said county, and the several officers of these corporations, and the said corporations, are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operations of said railway, as herein authorized.
- Free use of roadway.** SEC. 17. *And be it further enacted,* That the said company shall have at all times the free and uninterrupted use of the roadway. And if any person or persons shall wilfully and unnecessarily obstruct or impede the passage or destroy the cars, depot stations, or any other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offence the

sum of ten dollars to said company, to be recovered and disposed of as other fines and penalties in said city or county; and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

SEC. 18. *And be it further enacted*, That unless said corporation shall make and complete their said railway or railways between Pennsylvania avenue and Boundary street within eight months after the company shall have been organized, then this act shall be null and void, and no rights whatsoever shall be acquired under it; and that the remainder of said road shall be completed within four years to its proposed terminus in the county of Washington. Time for completion.

SEC. 19. *And be it further enacted*, That there shall be no regulations excluding any person from any car on account of color. Exclusion from cars.

SEC. 20. *And be it further enacted*, That each of the stockholders in the Connecticut Avenue and Park Railroad Company shall be individually liable for all the debt and liabilities of said company to an amount equal to the amount of stock held by such stockholder. Liability of stockholders.

SEC. 21. *And be it further enacted*, That it shall be the duty of said company, when said road is completed between Pennsylvania avenue and Boundary street, to have prepared tickets for passengers on their cars, and to keep them at their office for sale by the package, at the rate of ten for fifty cents and twenty for one dollar. Tickets.

SEC. 22. *And be it further enacted*, That all the provisions of the act incorporating the Washington and Georgetown Railroad Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the company herein incorporated, which shall make reports as in said act required. Provisions of charter of Washington and Georgetown road made applicable to.

SEC. 23. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith. Repealing clause.

Passed the House of Representatives May 8th, 1868.

Attest:

EDWARD M'PHERSON, *Clerk*.
By CLINTON LLOYD, *Chief Clerk*.

Passed as here written, with the exception of an amendment making the gauge of the road same as the Washington and Georgetown instead of the Baltimore and Ohio Railroad, as first drawn.

Approved, July 13, 1868.

Jan. 19, 1872.

Union Railroad Company.

Union Railroad
Company incor-
porated. (Ab-
sorbed by Metro-
politan R. R. Co.)

Route (amend-
ed.)

Fare

Taxation.

Be it enacted by the Legislative Assembly of the District of Columbia, That Lewis Clephane, Hallet Kilbourn, Matthew G. Emery, A. P. Fardon, LeRoy Tuttle, George P. Fisher, Henry A. Willard, A. P. Brown, Riley A. Shinn, Samuel Fowler, Poulus Thyson, Thomas Lewis, John C. Parker, Robert C. Hewett, P. M. Plowman, H. O. Hoyt, and H. T. Wisewell, and their associates and assigns, are created a body corporate, under the name of the "Union Railroad Company," with authority to construct and lay down a single or double-track railway, with the necessary switches and turnouts, in the cities of Washington and Georgetown, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of Fifteenth street and New York avenue, along Fifteenth street to I street; along I street to Connecticut avenue; along Connecticut avenue to P street; along P street to and over the bridge crossing Rock creek at P street to West street, Georgetown; along West street to High street, and along High street to Second, Third, or Fourth street; along Second, Third, or Fourth street to Fayette or Warren street, with the privilege of passing through West street to Montgomery street, through Montgomery street to Stoddard street, through Stoddard street to High street; along High street to Second, Third, or Fourth street; along Second, Third, or Fourth street to Fayette; along Fayette street to its intersection with High street; along High street to the northern boundary-line of Georgetown; also with the privilege of connecting with the Metropolitan Railroad (by consent of said Railroad Company) at the corner of Seventeenth and H streets, and running up Seventeenth to Connecticut avenue; also a branch road, to be constructed and run at the same time and in the same manner as the main road, commencing at the intersection of Nineteenth street west and P street north, and running along said P street to Seventh street west; with the privilege of extending said branch road along P street to North Capitol street; along North Capitol street and the road leading therefrom to Glenwood Cemetery. And in case the company incorporated by this bill connect their road, hereby authorized, with the Metropolitan Railroad at Seventeenth and H streets, they shall not be compelled by any provisions of this Charter to construct that portion of the road hereby authorized between the intersection of Connecticut avenue and Seventeenth street, and New York avenue and Fifteenth street; with the right to run public carriages on the road hereby authorized, drawn by horse power, receiving therefor a rate of fare not exceeding five cents per passenger for any distance between the terminus of said railroad: *Provided*, That but a single track be laid on Fifteenth street, between I street and Pennsylvania avenue.

SEC. 2. *And be it further enacted*, That the said road shall be deemed real estate, and, together with the other real estate and personal property of said company, shall be liable to taxation as other real estate and personal

property, and subject to license for their vehicles or cars in the cities aforesaid the same as other railroad companies heretofore organized for like purposes are. License for cars.

SEC. 3. *And be it further enacted,* That the railway shall be laid in the center of the avenues and streets, unless otherwise directed by the Board of Public Works, and said company shall conform to the grade of the streets and avenues in laying rails thereon. Construction.

SEC. 4. *And be it further enacted,* That the company shall be bound to use the flat rail, similar to the one now used on Pennsylvania Avenue, to keep the streets between and for two feet on either side of its tracks paved and in good order, without expense to the District of Columbia, subject to the approval of the Board of Public Works; and nothing in this act shall prevent the grade of any street or avenue from being altered by the government of the District of Columbia at any time, and, in the event of a change of grade, the said railroad company shall change their track to conform therewith, at the expense of said company. Rails.

SEC. 5. *And be it further enacted,* That this act may be altered or amended by the Legislature of the District of Columbia at any time, and the said company is not authorized to issue any note, token, device, or scrip, or other evidence of debt to be used as currency. Amendment.

SEC. 6. *And be it further enacted,* That the capital stock of said company shall not be less than fifty thousand dollars, nor more than one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct. Stock

SEC. 7. *And be it further enacted,* That the company shall place first-class cars on said railway for the convenience and comfort of passengers, and shall run cars thereon during day hours as often as every ten minutes, and during night hours, until twelve o'clock, as often as twenty minutes, and that the company shall procure such passenger rooms, ticket offices, stables, and depots, at such points as the business of the railroad and the convenience of the public may require; and the company is hereby authorized to lay such rails through transverse or other streets, not exceeding two squares, as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks, and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above mentioned. Cars.
Schedule.
Passenger rooms, etc.
Connecting tracks.

SEC. 8. *And be it further enacted,* That the directors shall have full power to make and prescribe such by-law, rule, and regulation as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter, or to the laws of the United States and the ordinances of the District of Columbia: *Provided,* That there shall be no regulation excluding any person from any car on account of color. By-laws.
Exclusion from cars.

Books of subscription.

SEC. 9. *And be it further enacted*, That the incorporators of said road shall, within thirty days after the passage of this act, meet and organize, and open and keep open for two weeks books of subscription, at some place made known by advertisement in at least one daily paper published in the District of Columbia, to the capital stock of said company; and the said company shall organize and complete the line of said road within one year from the passage of this act.

Approved, January 19, 1872.

[Obsolete.]

Jan. 19, 1872. AN ACT to incorporate the Boundary and Silver Spring Railway Company of the District of Columbia.

Boundary and Silver Springs Railway Company incorporated (absorbed by Metropolitan R. Co.).

Be it enacted by the Legislative Assembly of the District of Columbia, That Wm. Bell, Enos Ray, Sr., C. Osborn, Abner Shoemaker, Theodore Lay, F. Rohrer, B. T. Swart, J. Ford Thompson, Lewis Clephane, J. C. Lewis, William Thompson, M. Blair, Jno. B. Claggett, J. H. McChesney, D. B. Carpenter, M. G. Emery, Jno. Saul, O. O. Howard, G. W. Balloch, Simon Wolf, P. May, John Angerman, John Baker Smith, Richard Wallach, S. L. Phillips, John Van Riswick, A. B. Olin, Charles Stewart, Henry Glick, John Widmeyer, L. H. Hall, Charles Eble, Edward Engles, Casper Kneesi, Frederick Hughes, George Walker, Hugo Kandler, Ernest Schmidt, Christian Xander, G. Gussler, Louis Byers, George Killian, A. Spooks, Jacob Hasner, Charles Ruppert, Joseph Flynn, Edward Fordan, V. S. Moulton, D. P. Hickling, Ira Hopkins, and S. H. Williams, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the Boundary and Silver Spring Railway Company, with authority to construct and lay down a single or double-track railway, with the necessary switches and turnouts, in the county of Washington, in the District of Columbia, along the following highway: Commencing at the point of intersection of Boundary street of Washington city and Rockville Turnpike, the same being a continuation of Seventh street west in the city of Washington, in said District; thence running northerly along the said highway to its intersection of boundary line of the District of Columbia and the State of Maryland, with the right to run public carriages or cars, to be drawn either by steam, dummy engines, or horse-power, receiving therefor a rate of fare not exceeding five cents a passenger for transportation to Rock Creek Church road, ten cents a passenger for transportation to Brightwood, and fifteen cents a passenger for transportation to the boundary of the District of Columbia: *Provided*, That steam power shall not be used on the said railway entering the city boundary.

Route

Motive power.

Construction.

SEC. 2. *And be it further enacted*, That the said railway shall be constructed in such manner as will least interfere with the ordinary travel of said road, and subject to the approval of the Board of Public Works for said District;

and the said corporation shall be bound to keep said track, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, well graveled or paved, and in good order, without expense to the District of Columbia, so as not to impede the general travel on said road by vehicles or otherwise.

SEC. 3. *And be it further enacted*, That nothing in this act shall prevent the proper authorities from altering the grade or otherwise improving said highway, and in such event it shall be the duty of said company to change their said railway so as to conform to such grade; and if at any time such grade shall be changed for the benefit of said railway company any expenses that may be incurred by property-holders affected by such change of grade shall be borne by the said railway company. Change of grade.

SEC. 4. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Legislative Assembly of the District of Columbia, or by the Congress of the United States. Amendment.

SEC. 5. *And be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, or more than two hundred thousand dollars, and the stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct. Stock.

SEC. 6. *And be it further enacted*, That the said company shall provide such passenger rooms, ticket office, stables, and depots as the business of the railroad and the convenience of the public may require; and said company is authorized to lay such rails through such other roads as may be necessary for the exclusive purpose of connecting the said stables and depots with the main track; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the purpose aforesaid. Passenger rooms, etc.

SEC. 7. *And be it further enacted*, That within two months after the passage of this act the corporators named in the first section, or a majority of them, or, if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington, for the period of (to be fixed by said corporation) not less than two weeks; and said corporation shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and the place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of such subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void. If, at the end of two weeks, a larger amount than the capital stock of said company shall have been subscribed, the books shall be closed, and the said corporators named in the first section shall forthwith proceed to apportion said Books of subscription to be opened.

- capital stock among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be done and completed on the same day the books are closed: *Provided, further*, That nothing shall be received in payment of the twenty-five per centum, at the time of subscribing, except money. And when the books of subscription of the capital stock of said company shall be closed, the incorporators named in the first section, or a majority of them, *may* [and] in case any of them refuse or neglect to act, then a majority of the remainder shall, within ten days thereafter, call the first meeting of the stockholders of the company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for five days, in not less than two public newspapers published in the city of Washington. And in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.
- First meeting of stockholders.** SEC. 8. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors. And the said directors, a majority of them, the president being one, shall constitute a quorum, shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall file bonds with security to said company, in such sum as the said directors may require, for the faithful discharge of their trust. In case of a vacancy in the board of directors by death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.
- Board of directors.**
- Officers.**
- By-laws.** SEC. 9. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate, and effects of the company, not contrary to this charter and the laws: *Provided*, That the directors of said corporation shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, (after the first instalment,) in such manner and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said instalment, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due, under such general regulations as may be adopted in the by-laws of said corporation, or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.
- Annual meeting.** SEC. 10. *And be it further enacted*, That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place under such conditions,

and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the Legislative Assembly of the District of Columbia.

SEC. 11. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of their roadway: *Provided*, That one-half the said road shall be completed within one year from the passage of this act, and the entire road complete within two years, in default of which this act shall be made null and void. Free use of roadway.

SEC. 12. *And be it further enacted*, That no person shall be prohibited the right of travel on any part of said road, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the general regulations of the company. Exclusion from cars.

SEC. 13. *And be it further enacted*, That each stockholder in said company shall be liable individually for all the debts and liabilities of said company to an amount equal to the amount of stock held by said stockholders. Liability of stockholders.

SEC. 14. *And be it further enacted*, That, should a majority of the stockholders so elect, at any time within two years after the passage of this act, (provided for in section above,) the said company shall have the right to extend said road, either with single or double track, with the necessary switches and turn-outs, along the Rock Creek Church road, until it intersects with the Fourteenth Street road; thence southerly to Boundary Street; also along the new county road which intersects Fourteenth Street or Piney Branch road at or near Brown Springs; thence along Fourteenth Street road to and along Boundary Street. Right to extend road.

Approved, January 19, 1872.

(Signed)

H. D. COOK, *Gor.*
CHAS. S. HULSE,
Speaker H. of Delegates.
WM. STICKNEY,
President of the Council.

Legislative, executive, and judicial appropriation act, 1873.

May 18, 1872.

Stats. 17, p. 84.

SEC. 12. That the Washington and Georgetown Railroad Company and the Metropolitan Railroad Company be, and they are hereby required to remove their tracks, respectively, from the Capitol grounds, as hereby established, and to run the same as they may be directed, from time to time, by the officer in charge of the public buildings and grounds, as the grading and filling up of said grounds may render necessary. That a commission, consisting of the Secretary of the Interior, the chief engineer of the army, and the officer in charge of public buildings and grounds, is hereby authorized and directed to examine and report to Congress, prior to the second Monday of December next,

Met. R. R. Co.
Removal of
tracks from Cap-
itol Grounds.

a plan by which the locomotive railroad track in front of western entrance of the Capitol shall be removed, with due regard to the rights of all parties concerned, and by which proper connections with other railroads may be made.

* * * * *

Approved, May 8, 1872.

March 3, 1875. Legislative, executive, and judicial appropriation act, 1876.
 State. 18, p. 385. * * * and further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol Grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol Grounds. * * *

Approved, March 3, 1875.

August 6, 1890. District appropriation bill, 1891.
 State. 26, p. 310. * * * * *

Met. R. R. Co. SEC. 3. That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed, to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the President of said Company, and filed with the Commissioners of the District. And any company availing itself of the privileges herein granted shall within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the District of Columbia, approved March second, eighteen hundred and eighty-nine, or pneumatic or other modern motive power which shall be approved by the Commissioners of the District of Columbia, but nothing in this act contained shall in any wise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all its lines within two years from the date of this act, such company shall forfeit its corporate franchise.

Horses to be dispensed with.
 Motive power.
 No overhead wires.
 Forfeiture clause.
 Time (extended).

Approved, August 6, 1890.

March 3, 1891. Deficiency bill, 1891.
 State. 26, p. 870. * * * * *

Met. R. R. Co. And the Metropolitan Railroad Company of the District of Columbia shall pay to the District of Columbia within

eighteen months from the approval of this act the full amount of the judgment that was rendered against the said company by the supreme court of the District of Columbia at the suit of the said district, in cause numbered twenty-two thousand four hundred and fifty-eight, at law, on the dockets of said court, with the costs of said cause and interest on said amount from the date said judgment was rendered until paid, and that upon the failure of the said company so to pay said amount, costs, and interest within the time aforesaid the charter of said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine.

Payment of judgment.

* * * * *

Approved, March 3, 1891.

Joint resolution.

July 22, 1892.

Stats. 27, p. 399.

Met. R. R. Co.

Time extended for changing motive power.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the street railroad companies availing themselves of the privileges granted by the act making appropriations to provide for the government of the District of Columbia, and approved August sixth, eighteen hundred and ninety, so far as it extends to the Metropolitan Railroad, is hereby extended for one year from the date of the passage of this act: *Provided*, That so fast as the cars now building are equipped with storage batteries they shall be placed on the road: *And provided further*, That pending the change the present equipment of the road shall be put, and kept and maintained in good condition; and any failure to comply with any of the foregoing requirements as to equipment shall render the said Metropolitan Railway Company liable to a fine of not exceeding twenty-five dollars for each day so in default, to be recovered by the Commissioners of the District of Columbia, as other fines are recovered in the District of Columbia.*

New cars.

Cars shall be kept in good condition.

SEC. 2. Congress reserves the right to alter, amend or repeal this act.

Amendment.

Approved, July 22, 1892.

Deficiency bill, 1892.

July 28, 1892.

Stats. 27, p. 290.

* * * * *

That the Metropolitan Railroad Company is hereby required to repair the bridge across Rock Creek at P street, in the District of Columbia, at a cost of not exceeding fifteen thousand dollars. Said repairs to make the bridge sufficiently strong to allow the passage of storage-battery cars of the said company, and to be made under the direction of the Engineer Commissioner of the District of Columbia, and in accordance with plans and specifications prepared by him.

Met. R. R. Co. required to repair P street bridge over Rock Creek.

* * * * *

Approved, July 28, 1892.

August 2, 1894. AN ACT to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.
Stats. 28, p. 217.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That
Met. R. R. Co. charter amended.

New cars to be provided. is hereby, required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this Act shall subject the said company to a fine of twenty-five dollars for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

Change in motive power required. SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with an underground electric system for propulsion of such cars: *Provided*, That the change to an underground system shall be completed upon its north and south line within one year and upon its east and west line within two years after the approval of this Act: *Provided* there shall be completed

Time.

Extension of route. of an extension thereof on East Capitol street from Ninth street east to Fifteenth street east, around both sides of Lincoln Square, and also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west. And in default of such completions all Acts or parts of Acts chartering or extending the said road are hereby repealed.

Bonds.

SEC. 3. That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required and the expenses incident to the change to be made as provided in this Act, but not in excess of such cost. And said bonds shall not be sold or disposed of at less than their face or par value.

Case of D. C. vs. Met. Co. referred to court of appeals.

SEC. 4. That a transcript of the record of the case of the District of Columbia against the Metropolitan Railroad Company of the District of Columbia, at law Numbered Twenty-two thousand four hundred and fifty-eight, in the Supreme Court of the District of Columbia, together with the original papers and record entries therein, duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the Court of Appeals of the District of Columbia, which said Court of Appeals is hereby vested with original authority and jurisdiction to hear and determine said case without a jury upon the pleas and

issues and proofs therein other than the pleas and issues relating to the statute of limitation or plea of failure of notice to said company of any act required of it, and to determine from and upon said record and pleadings and proofs therein contained, and such other proof in the course of said hearing as said court may determine to be necessary in order to dispose of the case upon its merits, what, if any, indebtedness is due to the District of Columbia from the said railroad company in respect of the cause of action stated in the declarations filed in said case, assuming that due and proper notice has been given to said company of all acts required in the premises, and to enter judgment against said company in favor of the District of Columbia for any sum or sums of money that said Court of Appeals shall find due from said company in respect of said cause of action, for the amount of which said judgment execution may issue out of said court, and said judgment shall immediately become a lien upon all the property of said company, to be enforced in the manner now provided by law for the enforcement of other liens, and shall be paid within ninety days from the date thereof: *Provided*, That unless said company shall file in said Court of Appeals its consent in writing to the aforesaid transfer of the said case, and also a waiver of all its rights and defenses under the statute of limitation and from want of notice as heretofore provided for, and also a waiver of all rights, benefits, advantages, and defenses that it has or may have by reason of the decision and judgment of the Supreme Court of the United States made and entered in said case within thirty days after the approval of this Act, then all rights granted to said company by this Act shall cease and be determined: *Provided*, That the judgment of the said Court of Appeals shall be final and that there shall be no appeal therefrom: *And provided further*, That the cost of said transfer and of the hearing of said case in the Court of Appeals shall be paid by said railroad company.

SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this Act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon

Transfer arrangements with connecting lines required.

Reciprocal trackage.

similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.

Tax on horse cars. SEC. 6. That on and after one year from the approval of this Act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this Act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of five hundred dollars for each and every car operated by horses on any line owned or controlled by the said company.

Amendment. SEC. 7. That Congress reserves the power to alter, amend, or repeal this Act.

Approved, August 2, 1894.

Feb. 26, 1895. AN ACT to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

Stats. 28, p. 682.

Metropolitan
Railway Co.,
charter amended.
Extension of
route required.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, amended so as to authorize and require the said company to lay down from the intersection of Four-and-a-half and L streets, southwest, along Four-and-a-half street to P street south, a single track of underground electric road for the propulsion of its cars, thence west along P street with said single track to Water street, thence northwesterly along Water street with said single track to L street, thence east along L street with said single track to its double tracks at the intersection of Four-and-a-half and L streets, southwest, and thence north by said company's double tracks as now located into its depot on Seventh street extended.

Commission-
ers D. C. to lo-
cate tracks.

SEC. 2. That the Commissioners of the District of Columbia shall locate the said track on Four-and-a-half, P, Water, and L streets so as best to subserve the public convenience, and may in their discretion locate the same on Water street for such distance as they may deem best on the east track of the Belt Line Railway Company, so that the two companies may mutually and profitably use the space of street occupied by the said east track. The said Belt Line Railway Company and the Metropolitan Railroad Company shall each have the right to apply to the supreme court of the District of Columbia to fix a just and equitable compensation for any rights which may be affected by this law, and said court shall have power to issue execution to enforce its judgment.

In re rights of
Belt Ry. & Met.
Ry.

Extension of
route in George-
town.

SEC. 3. That the said Metropolitan Railroad Company is hereby authorized and required to lay down and continue its underground electric construction of single track from the intersection of P and Thirty-fifth streets, northwest,

thence running west along P street to Thirty-sixth street, thence south on Thirty-sixth street to Prospect avenue, thence east on Prospect avenue to Thirty-fifth street, thence north on Thirty-fifth street to O street, thence east continuing its route as now located.

SEC. 4. That the number of directors of said company shall be increased from seven to nine members. Number of directors increased.

SEC. 5. That the Brightwood Railway Company, the Rock Creek Railway Company, and the Georgetown and Tennallytown Railroad Company be, and they are hereby, respectively, authorized and required to sell four coupon tickets for twenty-five cents, good for one continuous ride in the District of Columbia over the lines of said companies, respectively, and the lines of the Metropolitan Railroad Company, and the said suburban roads shall redeem the tickets collected by the Metropolitan Railroad Company, at the rate of two and one-half cents for each coupon ticket presented by the said Metropolitan Railroad Company. Any of the aforesaid railroad companies which shall refuse to make sale of tickets or to accept tickets so sold as herein provided for, shall be liable to a fine of fifty dollars for each such violation, to be recovered in the police court of the District of Columbia as other fines are recovered: *Provided*, That the proceeding for the collection of such penalty shall be commenced within thirty days from the date of the alleged refusal. The supreme court of the District of Columbia shall have, and it is hereby given, authority and jurisdiction to enforce the requirements and provisions of this section in respect of the sale of tickets on the petition of either of the aforesaid railroad companies or any citizen of the District of Columbia. And power is hereby given to the Metropolitan Railroad Company and the Rock Creek Railway Company to contract with each other for the purchase, sale, lease, or joint operation of the line of said Rock Creek Railway Company on Florida avenue and U street, or any part thereof. Sale of coupon tickets. In re joint operation with Rock Creek Ry.

SEC. 6. That this Act shall take effect in thirty days after its passage.

Approved, February 26, 1895.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON ELECTRIC RAILWAY COMPANY.

AN ACT to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes. August 23, 1894.
Stats. 28, p. 494.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized to construct and lay down a double-track street railway, except as hereinafter provided, with the necessary switches, turn-outs, and other mechanical devices, the number and location of which shall be approved by the Commissioners of the District of Columbia, said street railway to be constructed and laid down through and along the following routes:

Commencing on B street, between Seventh and Eighth streets northwest, at a point to be designated by the Commissioners of the District of Columbia, thence westward along B street to Thirteen-and-a-half street, thence northward on Thirteen-and-a-half street to E street by single track, thence westward on E street to Fourteenth street on a single track, thence southward on Fourteenth street using the tracks of the Belt Line Street Railway, to the Potomac River, thence across the Potomac River by a suitable ferry or transfer barge to the Virginia shore, with the privilege of a double track on B street from Thirteen-and-a-half street, connecting with the Belt Line Street Railway tracks at Fourteenth street.

And said company is authorized to construct its road across the tracks of the Pennsylvania Railroad at or near the long bridge, under such regulations as may be prescribed by the Commissioners of the District of Columbia.

And the said Washington, Alexandria and Mount Vernon Electric Railway Company is hereby authorized and empowered to construct and maintain, after acquiring title to the same, at the foot of Fourteenth street, a necessary landing and slip for the operation of a ferryboat or transfer steamer, said landing and slip to be constructed on plans approved by the Secretary of War, and for the purpose of connection to use an overhead wire for a distance of not exceeding four hundred feet, commencing at the extreme southern end of the slip.

And said company is also authorized and empowered to construct, maintain, and operate, subject to the supervision of the Commissioners of the District of Columbia, a double-end steamboat or transfer barge for the transfer of

Washington, Alexandria and Mount Vernon Electric Railway Company. Extension of tracks into D. C.

Route.

Crossings.

Ferry slips and boat.

its cars, with all the modern improvements for the safety and protection of its passengers: *Provided*, That the said company be authorized to condemn for its use for said landing and slip, as provided for in this Act, a space not exceeding one hundred and fifty by two hundred feet.

Widening of streets.

SEC. 2. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company, and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof, is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight."

Route on country road.

SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet, the railway shall be constructed entirely outside the road.

Construction.

SEC. 4. That the said railway shall be constructed in a substantial and durable manner; and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be of approved pattern, and subject to the approval of the District Commissioners.

Paving.

SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight." But no overhead wires shall be used or constructed except as hereinbefore provided nor shall steam power be used within the limits of the city of Washington: *Provided*, That the tracks of said road shall not be used for the transportation of any cars other than those used for the transportation of passengers on street railways.

Change of grades, etc.

SEC. 6. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railroad, or from altering and improving streets, avenues, and highways, and the sewerage thereof; in such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Trenches.

SEC. 7. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permis-

sion of the Commissioners of the District of Columbia, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the streets to a like good condition as they were before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind which has been ordered by the Commissioners, then the expense necessary to change such underground construction shall be borne by the said railroad company.

SEC. 8. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this Act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

Deposit for
water mains.

SEC. 9. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, upon private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a street railway.

Engine houses,
etc.

SEC. 10. That the said railroad shall be commenced within one year and completed within two years from the passage of this Act.

Commence-
ment and com-
pletion.

SEC. 11. That the said company shall run street railway

Moti

Crossings. cars propelled by underground cable or underground electric power: *Provided*, That for the purpose of making a continuous connection over the route hereinbefore described and designated the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street-railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Passenger
houses and trans-
fer stations.

SEC. 12. That the said company shall furnish and maintain passenger houses and transfer stations as required by the Commissioners of the District of Columbia but no such passenger house or transfer station shall be built upon the public streets or sidewalks or upon public property and shall place first-class cars on said railway with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require in accordance with a time-table approved by the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars for each day said failure occurs, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

SEC. 13. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, mode of use of tracks, and removal of ice and snow as in their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation as aforesaid shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Speed.

Removal of ice and snow.

SEC. 14. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Articles left in cars.

SEC. 15. That said company shall, on or before the fifteenth of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures within the District of Columbia, from whatever source and on whatever account, for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made within ten days thereafter, such failure shall of itself operate as a forfeiture of the privileges and rights hereby granted to said company, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings in the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided*, That its tracks shall not be taxed as real estate.

Annual report.

Taxes.

SEC. 16. That said company shall receive a rate of fare not exceeding five cents per passenger, including transportation to the Virginia shore; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

Fare

SEC. 17. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to

Free use of roadway.

the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 18. That the said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct, at its own cost, its said road across such other railways, under the supervision and control of the Commissioners of the District of Columbia: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Ejection from cars.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Condemnation proceedings.

SEC. 20. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, may be instituted under the provisions of chapter eleven, Revised Statutes, relating to the District of Columbia: *Provided*, That any property owner shall have the right of trial by jury in any such issue.

Plans.

SEC. 21. That all plans relating to the location and construction of said railway shall be subject to the approval of the Commissioners of the District of Columbia, or their successors, and all work shall at all times be subject to their supervision. The said corporation shall from time to time deposit with the collector of taxes, District of Columbia, such amounts as may be deemed necessary by said Commissioners to cover the cost of inspection, supervision, pavement, and repairs.

Tracks and ferry may be used by Falls Church and Potomac Railway.

SEC. 22. That the tracks and ferry of said company within the District of Columbia shall be deemed and taken to be a public highway, to the extent that they may be freely used for the passage of cars by the Falls Church and Potomac Railway Company from such point as said company may connect with the Washington, Alexandria and Mount Vernon Electric Railway Company, and may run its cars to the eastern terminus of said latter-named company's road. And the cars of said Falls Church and Potomac

mac Railway Company shall be propelled over the said line, from said junction to said eastern terminus, by the motive power of said Washington, Alexandria and Mount Vernon Electric Railway Company, and the said Falls Church and Potomac Railway Company shall have the right to collect fares on its said cars as fully as if operating that portion of the line in its own right. But said Falls Church and Potomac Railway Company shall make just compensation for the use of said track, ferry, and motive power; and in case any dispute should arise concerning such compensation or manner of use any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and motive power and the mode in which such use may be enjoyed: *Provided*, That the limitations, requirements, and restrictions imposed by this Act upon the Washington, Alexandria and Mount Vernon Electric Railway Company shall apply to the Falls Church and Potomac Railway Company; and the said Falls Church and Potomac Railway Company shall be subject, in case of any violation of the limitations, requirements, and restrictions aforesaid, to the same fines, penalties, and forfeiture of the privileges and rights herein granted as the Washington, Alexandria and Mount Vernon Electric Railway Company is subject to.

SEC. 23. That should the Washington, Alexandria and Mount Vernon Electric Railway Company fail or refuse to construct a double-track street railway on the Virginia side of the Potomac River to the Arlington Reservation and provide accommodations for the necessary travel from the city of Washington to Arlington within one year from the approval of this Act, then all the rights, powers, privileges, and franchises conferred upon said company by this Act within the jurisdiction of the District of Columbia shall be, and the same are hereby, forfeited.

Tracks to Arlington Reservation.

SEC. 24. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Washington, Alexandria and Mount Vernon Electric Railway Company shall be complied with by any and all the successors to and assigns of said company.

Conditions, etc., shall be complied with.

SEC. 25. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Amendment.

Approved, August 23, 1894.

AN ACT granting the right of way through the Arlington reservation for electric railway purposes.

Dec. 8, 1894.

Stats. 28, p. 593.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Washington, Alexandria and Mount Vernon Electric Railway Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized to construct and thereafter maintain and operate its electric railroad across the lower and eastern portion of the grounds of the United States Government known as the Arlington

Wash., Alex. and Mt. Vernon R. R. granted right of way through Arlington reservation.

reservation, in the State of Virginia, opposite the city of Washington, said line to be east of and contiguous to the river road, except that said line running northerly may be diverted from said river road easterly at a point not more than twenty rods southerly from the intersection of the river road with the northerly line of said reservation: *Provided*, That this diversion shall not exceed twenty rods from said river road easterly; and for such purpose said company is hereby granted a right of way fifty feet in width, not including slopes, through the grounds aforesaid. And the said company shall repair at its own expense, in a manner satisfactory to the Secretary of War, any damage, injury, or displacement that may be done to roads, footways, bridges, or fences upon or through the Government lands referred to in this Act by the construction or operation of the said electric railway company, and shall erect such sheds or other shelter for the comfort and convenience of passengers and at such points as the Secretary of War shall direct: *Provided*, That said line or route shall be subject to the approval of the Secretary of War; and when such right of way shall cease to be used for the purpose aforesaid, the same shall revert to the United States Government. And said road shall be commenced within one year from the date of the passage of this Act and finished within three years: *And provided further*, That nothing in this Act shall allow the use of steam power: *And provided further*, That the said railway company shall not cross, enter, touch upon, or be granted any right whatsoever upon that part of the Government land set aside and known as the Arlington National Cemetery. And that material for the building, grading, or ballasting of said electric railway shall not be obtained from, nor shall the trees be disturbed on, the Arlington reservation: *And provided further*, That the tracks of said company may be freely used for the passage of cars by the Falls Church and Potomac Railway Company from such point as said company may connect with the Washington, Alexandria and Mount Vernon Electric Railway Company. And the cars of said Falls Church and Potomac Railway Company shall be propelled over the said line, from its junction therewith, by the motive power of said Washington, Alexandria and Mount Vernon Electric Railway Company; and the said Falls Church and Potomac Railway Company shall have the right to collect fares on its cars as fully as if operating that portion of the line in its own right. But said Falls Church and Potomac Railway Company shall make just compensation for the use of said track and motive power; and in case any dispute should arise concerning such compensation or manner of use, any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and motive power and the mode in which such use may be enjoyed: *Provided*, That the limitations, requirements, and restrictions imposed by this Act upon the Washington, Alexandria and Mount Vernon Electric Railway Company shall apply to the Falls Church and Potomac Railway Company.

Route.

To be approved
by Sec. of War.No steam
power.Tracks may be
used by Falls
Church and Poto-
mac Ry.

Terms of use.

Limitations,
etc., to apply to
Falls Church and
Potomac Rail-
way.

And the said Falls Church and Potomac Railway Company shall be subject, in case of any violations of the limitations, requirements, and restrictions aforesaid, to the same fine, penalties, and forfeiture of the privileges and rights herein granted as the Washington, Alexandria and Mount Vernon Electric Railway Company is subject to: *Provided*, That no cars owned or used by any steam railroad company shall be drawn over the tracks of this road lying within the reservation, and that the sidings and turn-outs within the reservation shall not be used for the assembling or storage of cars, except for the purpose of the accommodation and transportation of passengers on the same day.

SEC. 2. That the right to repeal, alter, or amend this Act is reserved to Congress.

Repeal.
Amendment.

Approved, December 8, 1894.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

[Obsolete.]

AN ACT to incorporate the Washington and Arlington Railway Company of the District of Columbia. Feb. 28, 1891.
Stats. 26, p. 769.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That W. H. Randle, D. C. Forney, J. S. Lawrence, Beriah Wilkins, C. G. Lee, James L. Barbour, and their associates and assigns, be, and they are hereby, created a body corporate under the name of the Washington and Arlington Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same, by horse, cable, compressed air or other power to be approved by the Commissioners of the District of Columbia, or electric power, for carrying passengers, parcels, milk, and truck, by the following route, namely: Beginning on Sixth street near B street northwest; along B street and Virginia avenue northwest to Twenty-sixth street; along Twenty-sixth street to M street; along M street and Canal road to a point on the Potomac River at or near the point known as "The Three Sisters," where the said company is hereby authorized to construct and maintain a bridge across the Potomac River on such plans as the Secretary of War may approve; and from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate outside of the cemetery grounds to the south or west line thereof, in the State of Virginia: *Provided*, That said road shall cross the Chesapeake and Ohio Canal on a bridge that shall be so constructed as not to interfere with the use of the bed or towpath of the canal as a waterway, or as a railway, and in a manner satisfactory to the Secretary of War: *Provided*, That said company shall not operate any part of its line by electric power with overhead wires within the city limits: *Provided*, That should any part of the track herein authorized occupy the same street or avenue with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in the case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party, and on such reasonable notice to the other party as the court may order: *And provided*, That no work shall be done on said road in the District of Columbia, until the plans and specifications

Washington and Arlington Railway Company incorporated.

Motive power

Route.

May bridge Potomac at Three Sisters.

Overhead wires.

Coinciding tracks.

Plans of bridge to be approved by Sec. of War. for the proposed bridge on the Potomac River at or near "The Three Sisters" shall have been approved by the Secretary of War, and the construction of said bridge actually commenced: *And provided*, That so much of said line as may lie within the State of Virginia shall first receive the approval of the proper authorities of said State. And said company is hereby authorized to run its said railway through the United States reservation known as Fort Meyer and such other land of the United States in the State of Virginia, excepting the Arlington Cemetery Grounds, as may be necessary to construct the railway between the points named in this bill: only if the Secretary of War shall deem the same promotive of the public interest and always subject to such conditions and regulations as the Secretary of War may from time to time impose.

Railway on bridge. SEC. 2. That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good material, and in a substantial manner, with grooved rails of the best pattern, and

Joint approval. of a suitable gauge,—all to be approved by the Commissioners of the District of Columbia and the Secretary of

Tracks, etc., in District. War jointly. The tracks of said railway, so far as the same shall lie within the District of Columbia, and the space between the same and for two feet adjacent to the outer rails thereof, shall be at all times kept by said company well

Paving. paved and in good order to the satisfaction of the Commissioners of the District of Columbia; and it shall be lawful for said company to make all needful and convenient trenches and excavations in any streets or spaces where its railway may be constructed, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the Commissioners of the District of Columbia, and subject to the other provisions of this act; and, also, it shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line not in any avenue, street, alley, or other public place as may be deemed advisable by said company or its board of directors, and subject to the approval and regulations from time to time made by the Commissioners of the District of Columbia over the place

Engine houses, etc. or places where the same may be located, an engine house or houses, boiler house or houses, and other buildings necessary for the successful operation of said road.

Fare. SEC. 3. That the said company may receive a rate of fare not exceeding five cents for each passenger for one continuous ride over the route aforesaid or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for twenty-five cents. Said company shall, on or before the fifteenth day of January of each

Annual report. year, report to Congress the names of all the stockholders thereof and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from different sources and on whatever account for the preceding year ending December thirty-first, which report shall be verified by the affidavit of the president and secretary

of said company; and said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, four per centum of its gross earnings upon traffic for the preceding year, which amount shall be paid to the collector of taxes at the times and in the manner that other taxes are or may be payable and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all other assessments upon its personal property in the District of Columbia, used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks shall not be considered real estate for the purpose of taxation.

Taxes.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars, and may be increased to three hundred thousand dollars by order of a majority of the stockholders at a general meeting, in shares of one hundred dollars each. Said company shall require the subscribers to its capital stock to pay in cash to the treasurer, appointed by the corporators hereinbefore named, the amounts severally subscribed by them as follows, to wit: Ten per centum at the time of subscribing and the balance at such times and in such amounts as the board of directors of said company may require; and no subscription shall be deemed valid unless ten per centum thereof shall be paid at the time of subscription, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment or installments as aforesaid, or as required by the resolution of the board of directors, said board may sell at public auction to the highest bidder so many shares of the stock of such defaulting stockholder as shall be necessary to pay said installments, under such general regulations as may be adopted by the by-laws of said company, and for the purposes of such sale the highest bidder shall be deemed and taken to be the person who shall offer to purchase the least number of shares for the assessments due; but no stock shall be sold at such sale for less than the total assessments due and payable at the time thereof; or said company may sue and collect from any delinquent subscriber, in any court of competent jurisdiction, the amount of the assessments at any time due and payable in accordance herewith, and bonds may be issued in amount not exceeding fifty per cent. of the stock subscribed and paid for: *Provided*, That the entire issue of stock and bonds shall not exceed the actual cost of constructing and equipping the road, including the bridge; and *provided, also*, that the total amount of bonds issued shall not exceed double the amount of the paid-up stock; and every certificate of stock issued shall show the amount paid on same, to be secured by mortgage or deed of trust upon the property of the company.

Capital stock.

Subscription.

Maximum
bond and stock
issue.

- Cars.** SEC. 5. That said company shall place first-class cars on its said railway, with all modern improvements, for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, and according to a schedule to be made from time to time by said company and approved by the Commissioners of the District of Columbia, but no steam cars, locomotives or passenger or other cars for steam railways shall ever be run on the tracks of said railway in the District of Columbia.
- Schedule.**
- Necessary land.** Said company may buy land on which to construct passenger-rooms, ticket-offices, workshops, depots, and buildings as may be necessary, and as the business of said railway and the convenience of the public may require, at such points along its line as may be approved by the Commissioners of the District of Columbia, as to so much of its railway as lies within the said District, and the Secretary of War as to the remainder of said railway. No person shall be prohibited from riding on the cars of said company or ejected therefrom by the company's employees for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of profane or indecent language, or for refusing to pay the legal fare exacted, or to comply with the lawful general regulations of said company.
- Ejection from cars.**
- Books of subscription.** SEC. 6. That within thirty days after the approval of this act the corporators above named, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia from nine o'clock in the forenoon until five o'clock in the afternoon for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for), the said corporators shall give notice, by advertisement in two or more of the daily papers published in the city of Washington, District of Columbia, of the time, manner, and the place where said books shall be opened, and subscribers upon said books to the capital stock of said company shall be held to be stockholders therein:
- Payments on stock.** *Provided, however,* That every subscriber shall pay at the time of subscription ten per centum of the amount by him subscribed to the treasurer appointed by the corporators aforesaid, or his subscription shall be null and void; *And provided further,* That nothing shall be received in payment of the ten per centum aforesaid except lawful money of the United States or certified checks of any established national bank. And when the books of subscription to the capital stock of said company shall be closed the corporators aforesaid, or a majority of them, and in case any of them refuse or neglect to act, a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet ten days thereafter for the choice of directors, of which meeting notice shall be given by advertisement three times in two public newspapers published daily in the city of Washington aforesaid, and by written personal notice to be mailed to the address of each stockholder by the treasurer aforesaid;
- Meeting of stockholders.**

and in any meeting of stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

SEC. 7. That the government and direction of the affairs of said company shall be vested in a board of directors, not less than five nor more than nine in number, who shall be stockholders of record and who shall hold office for one year, and until their successors are duly elected and qualified, and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of said company, and shall also elect a vice-president, secretary, and treasurer, the last named of whom shall give a bond, with surety, to said company in such sum as said directors may require, for the faithful discharge of his trust. In case of vacancy in the board of directors by death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors, or in such other manner as the by-laws of said company may prescribe. The directors of said company shall have power to make, prescribe, amend, and alter such by-laws, rules, and regulations as they shall deem needful and proper touching the management of said company, and the disposition and management of its stock, property, estate, and effects.

Board of directors.

Officers.

By-laws.

SEC. 8. That the principal office of said company shall always be situated in the District of Columbia, and the books and papers relating to the business of said company shall be kept thereat, open at all times to the inspection of the stockholders. The meetings of the stockholders, and directors of said company shall be held at said office, and there shall be an annual meeting of the stockholders for choice of directors to be held at such time, under such conditions, and upon such notice as the said company shall by its by-laws prescribe, and said directors shall hold such meetings as may by said by-laws be prescribed, and shall annually make a report, in writing, of their doings to the stockholders and to the Commissioners of the District of Columbia. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election as respects said election, and for the purpose of paying dividends at such lawful and reasonable times before the payment thereof as the by-laws of said company may prescribe.

Principal office.

Annual meeting.

Annual report.

SEC. 9. That said company shall commence the construction of its said railway within twelve months from the approval of this act, and said railway shall be built its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers within three years from the date of such approval; otherwise this act shall be null and void.

Commencement and completion.

SEC. 10. That the tracks of said company on the bridge and the appurtenances thereof may be freely used for the passage of cars with motive power of the kind described by this act belonging to any individual or corporation legally authorized thereto, upon making just compensation for the use thereof, and in case any dispute shall arise

Use of tracks and bridge by other companies.

concerning such compensation or manner of use any party in interest may apply to the Supreme Court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and the mode in which such use may be enjoyed.

Construction. SEC. 11. That if the corporation cannot agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, non compos mentis, or out of the District, the said corporation may apply to the supreme court of the District of Columbia, at any general or special term thereof, and said court after reasonable public notice and hearing shall proceed with the condemnation of such land or property for the use aforesaid.

Acquisition of land. SEC. 12. That for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

Condemnation proceedings. SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use.

Oath, etc. The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

Inquisition and report. SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside

Return. and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property according to the nature of such condemnation and appropriation for the uses mentioned in this act.

Confirmation to be recorded. SEC. 15. That said railway shall be constructed in such a manner as not to injure or endanger any of the pipes,

New inquisition may be ordered.

Payment.

Protection of water pipes.

fixtures, or apparatus of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War, or other lawful public authority, to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. If in the course of construction of said railway, or at any time thereafter, it shall be deemed by the Secretary of War necessary for the better protection of such water pipes, fixtures, or apparatus, or for other water pipes, fixtures or apparatus that may be laid or applied, to raise or otherwise fix or adjust any avenue, street, road, alley or public place containing or to contain such pipes, or to otherwise adjust the same so as to produce absolute security for all such pipes and apparatus existing or to be laid or arranged at any point or points on or contiguous to the line of said railway, such changes in grade and otherwise, or works, as shall be deemed necessary by the Secretary of War shall be made, done and performed by and at the expense of said railway company, and its successors and assigns, to the satisfaction of the Secretary of War; and the remainder of width of any avenue, street, alley, road, or other public place, at all such points or places, shall be raised, adjusted, repaved and put in condition, safe for all such pipes and apparatus, and in a manner satisfactory to the Secretary of War, and in conformity to any order of the Secretary of War in the matter, and at the expense of said company, and its successors and assigns. Any structure, work in or change in the condition of any such avenue, street, road, alley or public place, not made in conformity with the provisions in this act contained, shall be unlawful.

Changes of grade, etc.

SEC. 16. That Congress hereby reserves to itself the right at any and all times to alter, amend, or repeal this act.

Amendment.

Approved, February 28, 1891.

JOINT RESOLUTION correcting an error in an enrolled bill. March 2, 1891.

Whereas the act to incorporate the Washington and Arlington Railway Company, as enrolled, fails to express the intent of the two houses as manifested by the adoption of the report of the conference committee on the amendments between the two houses thereon: Now, therefore, for the purpose of correcting said error and for no other purpose,

Stats. 26, p. 1114.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the act entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia" be, and same is hereby, amended so that the last sentence of said section after the words "in accord-

Washington and Arlington Ry. Co.

Error in charter corrected.

ance herewith" shall read as follows: "And bonds to be
Maximum bond secured by mortgage or deed of trust upon the property of
and stock issue. the company may be issued to the amount of five hundred
thousand dollars: *Provided*, That the entire issue of stock
and bonds shall not exceed the actual cost of constructing
and equipping the road, including the bridge: *And pro-*
vided also, That the total amount of bonds issued shall not
exceed double the amount of paid up stock, and every
certificate of stock shall show the amount paid on the same.

Approved, March 2, 1891.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY COMPANY.

AN ACT to incorporate the Washington and Great Falls Electric Railway Company.

July 29, 1892.

State. 27, p. 326.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That W. C. Codd, and James F. Morrison, of the State of Maryland, and James L. Barbour, James Robbins, Smith Pettit, John G. Slater, Edwin Baltzley, Edward Baltzley, J. P. Clark, Simson De. F. Jennings, and Edward B. Cottrell, of the District of Columbia, and their associates and successors, are hereby created a body politic and corporate, in fact and in law, by the name of the Washington and Great Falls Electric Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and may make and have a common seal, and alter the same at their pleasure; and the said corporation is hereby authorized to locate, construct, equip, maintain, and operate a continuous line of single or double track railway, and all necessary sidings, stations, switches, turn-outs, and other devices, and to operate the same by electricity through and along the following named streets, avenues, and roads, to wit: Beginning at a point, to be located by the Commissioners of the District of Columbia, west of the north end of the Aqueduct Bridge, and running thence west over the Canal road on an elevated railway of iron columns and beams, with wood cross-ties and guards, to be built so as not to interfere with the use of the Chesapeake and Ohio Canal and so as to preserve to the public the full use of the Canal road. The said company shall submit the plans of said elevated railway to the Commissioners of the District of Columbia for their approval, and no work shall be done on said railway by said company before such approval in writing. In respect of everything that may pertain to the strength of the structure and to the safety and convenience of the public the construction and operating of said elevated railway shall at all times be subject to the control and approval of the said Commissioners, and the said company shall make good to the District of Columbia all damages done by it or by its contracting agents to the Canal road and other roads belonging to the District of Columbia, and shall also make good to the District of Columbia all the costs of inspection of the company's work by the authorized agents of the said District. In respect of everything that may pertain to the safety of the United States water mains in the Canal road, the plans, the construction, and the operating of said elevated railway shall

Washington and Great Falls Electric Railway Company incorporated (amended).

Route (repealed).

Water mains.

be subject to the control and approval of the Secretary of War. For the safety of travel on said Canal road, and before commencing to run its cars on said elevated railway, and subject to the inspection and approval of the Commissioners of the District of Columbia, the said company shall, at its own expense, construct a substantial masonry wall between said Canal road and the Chesapeake and Ohio Canal throughout the entire distance on said road occupied by said elevated railway; and the said company also at its own expense and within the same time and subject to the same approval and acceptance, shall pave the said portion of said road with granite blocks or vitrified brick in the best manner. From the Canal road the route of said railway is to run westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than six hundred feet from the western boundary of said land; thence across said land but at no point less than two hundred feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Delecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to Cabin John Creek, returning thence along the same line, by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, on land to be acquired by the corporation: *Provided*, That there shall be but one railway parallel to and near the Conduit road and there shall never be more than one double track on or over the Canal road, and all acts or parts of acts granting the use of the surface of the Canal road, or any part thereof, for laying railway tracks thereon and operating cars thereon are hereby repealed; and wherever the route specified in this act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, whether in the District of Columbia or in Maryland shall be referred to and determined by the Secretary of War and matter in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington and Great Falls railway shall not at any place on the line of said railway be less than one hundred feet from the

Wall on Canal
Road (repealed).

Route.

But one rail-
way shall be par-
allel to Conduit
road.

Coinciding
tracks.

Rails to be 100
feet from center
of Conduit road.

middle of the paved portion of the Conduit road. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct as provided in this act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no works shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. So much of said railway as may be in the State of Maryland must first have the approval of the authorities of said State. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of five thousand dollars, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this act, as far as applicable shall apply to any extension of this railway in the State of Maryland that may be granted by the authorities of said State; and the said Washington and Great Falls Railway may cross the projection of the United States land at a point on the south side of the Conduit road just west of the distributing reservoir, and the provisions of section fifteen of the act of Congress approved February twenty-eight, eighteen hundred and ninety-one, entitled "An act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the

Route across
aqueduct lands.

Deposit.

Disbursement.

privileges granted by this act to the Washington and Great Falls Electric Railway Company, and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and, for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great Falls Railway Company shall where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across any other road outside the District of Columbia, pave the same between the rails and sets of rails and two feet outside thereof with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities, the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company. That the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to

Construction.

Gauge.

Paving.

Poles and wires. and erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner, *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aqueduct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall, before operating said railway, erect and maintain subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, four feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable openings and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways. That the said corporation shall, at its own expense, maintain electric lights along the entire length of its railway during the hours after nightfall that its cars shall run, and at least until twelve o'clock and thirty minutes antemeridian,

Fence.

Lights.

which lights shall be located so as to light all roads on and across which it shall pass, and shall be placed at such points along the proposed road as the Secretary of War shall direct, and shall also light Chain Bridge in the same manner and during the same hours. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this act. (The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street, and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus.) Efficient signals by gong or bell shall be made by every car before and during the crossing of the Conduit road. The rate of speed at which the cars may run on said road shall not exceed five miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed ten cents each way per passenger, and this amount may be divided into divisions of five cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make the deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

Mains.

Signals.

Speed.

Construction and operation.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses and other buildings necessary to the operation of said road. The said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per centum at the time of subscribing, and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the fifty per centum thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said

Stock.

Payments.

Sale of stock in default.

board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take the least number of shares for the assessments due shall be taken as the highest bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchise and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad, which sum shall first be ascertained and authorized upon petition therefor to the Supreme Court of the District of Columbia, under such rules and regulations as the chief justice and judges thereof shall prescribe efficient to limit the stock of such corporation in the aggregate to the actual and necessary cost thereof. That if it shall be desired by such corporation to issue bonds upon its said property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for such court, or the chief justice or justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of the court, to permit the issuance of such bonds and mortgage if desired: *Provided, however*, that an amount of stock equal to the bonds so issued shall be first canceled, and adjudged annulled: *Provided*, That if in the course of the construction and equipment of such railroads it should appear that the amount of stock authorized as provided herein should not be sufficient for the purposes desired, the said Court may upon further petition and hearing authorize the issuing of such further stock as in its judgment may be deemed necessary to carry out the purposes of this act: *And provided further*, that such stock and bonds may be issued as the work progresses.

Passenger
rooms, etc.

Bonds.

Bonds and
mortgages.

Meeting of cor-
porators.

SEC. 3. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the

majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from ten o'clock in the forenoon until four o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, fifty per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; and when the books of subscription to the capital stock of said company shall be closed the corporators, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the choice of directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy: *Provided*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, whose route shall be substantially the same as the route herein provided for; and any such consolidation shall of itself operate as a forfeiture of this charter. If the charter or franchise herein granted be sold or transferred to any company or person before the road shall have been fully constructed, such sale or transfer shall of itself operate as a forfeiture of this charter.

Subscription to stock.

Payments.

Meeting of stockholders.

Consolidation forbidden.

SEC. 4. That the government and direction of the affairs of the company shall be vested in the board of directors, which shall consist of seven members, who shall be stockholders of record and shall hold their office for one year and until others are duly elected and qualified, and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the company, and they shall also choose a vice-president, a secretary, and a treasurer, each of whom shall give bond, with surety, to the company, in such sum as the directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors from any cause such vacancy shall be filled by the remaining directors. The directors shall have power to make such rules, regulations, and by-laws as they may deem needful and proper for the management of the stock, property, estate, and effects of the company not contrary to the charter or the laws or ordinances in force in the District of Columbia. There shall be an annual meeting of the stockholders for the choice of directors, to be held at such time and place and under such conditions and upon such notice as the said company in its by-laws

Directors.

Officers.

By-laws.

Annual meeting.

may prescribe, and the said directors shall annually make a report, in writing, of their doings to the stockholders. Said company shall have at all times, except as otherwise provided, a free and uninterrupted use of the railway, and if any person or persons shall willfully, mischievously or unnecessarily obstruct or impede the passage of cars on the railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operators while in transit, or destroy or injure the cars of said railway, or depot, or stations, or other of the property belonging to the said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties are recovered in the jurisdiction in which the offense may be committed; and shall be liable in addition to said penalty for any loss or damage occasioned to said company by his or her or their acts as aforesaid, to be recovered by said company for its use before any court of competent jurisdiction. No person shall be prohibited the right to travel on the cars of the said road or be ejected therefrom by the company for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of obscene language, or refusing to pay the legal fares exacted, or to comply with the lawful regulations of the company. The said company shall have the right of way across all duly authorized railways within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railway in such construction nor shall it cross any steam railroad at grade: *And provided also*, That the said Washington and Great Falls Electric Railway, and all railways crossed by it shall be subject to such provisions and regulations for the safety of passengers at said crossings as the proper authorities may prescribe. The principal office of said company shall be situated in the city of Washington, and all books and papers belonging to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The book in which transfers of the stock are entered and recorded shall be closed, for the purpose of such transfers, thirty days before the annual meeting.

Free use of roadway. SEC. 5. That for the purpose of locating, constructing, maintaining, and operating the stations, tracks, railroads, shops, and other structures or buildings herein provided for, said company is hereby authorized and empowered to take, acquire, and hold in fee simple the land necessary for such purposes; but before proceeding so to do the said company shall first obtain the assent of the owner or owners of said land, and if such owner or owners shall be absent from the said city of Washington, or the District of Columbia, or shall refuse to give such assent on such terms as such company shall approve, or by reason of infancy, coverture, or insanity, or any other cause, shall be legally incapable of giving such assent, it shall be lawful for said company to make application, in writing, to the Supreme Court of the

Crossings.

Principal office.

Necessary land.

Condemnation proceedings.

District of Columbia, or a judge thereof, for the appointment of three commissioners to estimate the damages which the owner or owners of the land or other property sought to be taken shall sustain by the taking thereof by the said company. Said application shall describe the land or other property sought to be taken, and give the name or names of the owners thereof, as far as the same may be known to said company; and said supreme court of the District of Columbia, or a judge thereof, shall thereupon appoint three discreet and disinterested freeholders of said District of Columbia, none of whom shall be residents or owners of property upon or adjoining the line of said railroad, or interested therein, or related to any person interested in said land or a stockholder in said company; and before said commissioners shall act the clerk of said court shall administer an oath or affirmation to each of them that he will justly and impartially estimate the compensation that the owner or owners of such lands or other property will be entitled to by reason of the taking of the same by the company, and the said supreme court of the District of Columbia, or a judge thereof, shall appoint a time not less than ten nor more than twenty days after due notice to the parties in interest, which notice shall be given in the form required by the order of said supreme court of the District of Columbia, or a judge thereof, appointing said commissioners, and said commissioners shall proceed to estimate, after viewing the premises, the value of the land so proposed to be taken by said company, and the damages, if any, to the residue of the tract so taken or occupied, or to be taken or occupied, or the material so used or taken away, as the case may be, having due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owner or owners of said land or materials in consequence of the making or opening of said railroad and of the construction of the works connected therewith, and after having made a fair and just comparison of said advantages and disadvantages they shall estimate and determine whether any, and, if any, what amount of damages have been or may be sustained, and to whom payable, and make report in writing signed by them, or a majority of them, and file the same with the clerk of the supreme court of the District of Columbia: and if any damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment execution may issue thereon as in the case of other judgments of said court for the sum so awarded, and the cost and expenses incurred shall be defrayed by the said railroad company, and each of said commissioners shall be entitled to ten dollars per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such railroad company. Said return of said commissioners shall be confirmed by said court or a judge thereof, at any time after the expiration of ten days from and after the date of the filing of said report with the clerk of said court, unless an appeal from

said award shall be taken and perfected as hereinafter provided; and either party may appeal to the said court within ten days from and after the return of the said award to said court by filing notice of such appeal with the clerk of said court, and upon said appeal the case shall be docketed in said court in the ordinary form, in which the company shall be plaintiff and the other parties shall be defendants, and shall be tried by a jury, if either party shall require the same, according to the ordinary course of trial by jury in said court. Should said company desire to take possession of the land and property mentioned in its said application prior to the determination of the appeal, it shall have the right so to do upon filing with the clerk of said court a bond in the penal sum of double the amount of said award, conditioned to pay such judgment as may be given by said court upon the trial of the appeal. The sureties on said bond and the form thereof shall be approved by said court. In case the judgment rendered by the court upon said appeal, either with or without a trial by jury, shall be for a sum less than the amount awarded by the commissioners aforesaid, then the costs shall be paid by the parties defendant; in case the judgment shall be for a greater sum than the amount awarded by the commissioners, then the costs shall be paid by the company, and judgment for costs shall be rendered accordingly. Upon payment of the judgment rendered by said court, either upon the confirmation of the award or upon trial of the appeal, or upon tender of such payment, the company shall be entitled to all the rights, interests, and estate of the parties to the proceeding to the same extent as if the same had been legally conveyed by them in fee simple to said company, unless the said company shall within ten days after the rendition of said judgment disclaim the taking of said property, which shall be done in writing and filed in said case. An appeal shall lie from the judgment of said court to the supreme court in general term or to the Supreme Court of the United States, as now allowed by law in other cases, and the said company shall be, and is hereby authorized and empowered to construct, operate, and maintain said tracks, and in addition thereto tracks to and into the yards and stations aforesaid, and any of them in connection with the tracks or any of them hereinbefore authorized or prescribed.

Commencement and completion (repealed).

SEC. 6. That the work on said road shall commence within one year from and after the passage of this act, and shall be complete its entire distance, and have cars running thereon for the accommodation of the public within two years from the passage of this act; otherwise this charter shall be null and void.

Annual report.

SEC. 7. That said railway company shall, on or before the fifteenth of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the bonded and other indebtedness and the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, which report shall be verified by affidavit of the president and secretary of said company; and if

said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the Commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year four per centum of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks and elevated railway structure shall not be taxed as real estate.

Taxes.

SEC. 8. That Congress may at any time amend, alter, or repeal this act.

Amendmen

Approved, July 29, 1892.

AN ACT to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway."

August 23, 18
Stats. 28. p

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," approved July twenty-ninth, anno Domini eighteen hundred and ninety-two, be, and the same is hereby, amended by striking out all that part of the first section of said Act commencing with the word "beginning," in line seventeen, and ending with the words "is to run," in line forty-nine, and inserting in lieu thereof the following:

Washingt
and Great F:
Electric Ry. C

Amendmen

Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets, northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company to and across the Foxhall road: thence

Change
route.

At the end of Section one add: Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or to cause to be inspected, from time to time, the cars operated on said road, and to require of the said company that all cars and stations shall be of the first class, and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to com-

Schedule.

Removal of
and snow.

ply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall road, shall subject the company to a fine of fifty dollars for each such failure, which fine may be recovered in any court of competent jurisdiction.

Time for build-
ing extended.

SEC. 2. That section six of said charter be, and the same is hereby, repealed: *Provided, however,* That the said road shall be completed to the boundary of the District of Columbia and have cars running thereon regularly for the accommodation of the public within twelve months and to Cabin John Creek within eighteen months after the passage of this Act; otherwise this Act shall be null and void.

Passenger sta-
tion near Aqued-
uct Bridge.

SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comfortable transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to settle any differences which may arise between the companies using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than one hundred and twenty feet west of the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this Act the said Washington and Georgetown Railway Company shall complete the said station and shall extend its tracks on M street northwest to a point not less than one hundred and twenty feet west of thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

Change of wa-
ter mains, etc.

SEC. 4. That the street railway companies mentioned in this Act, and hereafter all street railway companies in the District of Columbia, respectively, shall bear all the expenses that may be incurred by the United States in making and inspecting such changes to the water mains, fixtures, or apparatus of the Washington Aqueduct as may be rendered necessary by the construction or extension of such several roads; and the Secretary of War is hereby authorized and directed to make all regulations to carry into effect the provisions of this section.

Eckington and
Soldiers' Home
Railway.

SEC. 5. That the Act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved July fifth, eighteen hundred and ninety-two, is hereby

amended by striking out in Section one, beginning in line six with the words, "Beginning at the intersection of" to and including the words "point of beginning" in line twenty-nine, and inserting in place thereof the following:

Beginning at the intersection of Fifth and G streets ^{Change of route.} northwest, east along G street to New Jersey avenue and First street; thence south along First street northwest to C street northwest; thence east along C street (around the south side of Stanton Square by single track) to Fifteenth street northeast; thence north on Fifteenth street to D street northeast; thence west on D street to Fourth street northeast; thence south on Fourth street to C street northeast; thence west on C street to New Jersey avenue; thence north on New Jersey avenue to D street northwest; thence west on D street to First street, and to the point of beginning; also beginning at the intersection of G street northwest and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to New York avenue, connecting with the main line and the North Capitol street branch; also beginning at the intersection of G and Fifth streets northwest; thence south on Fifth street to Louisiana avenue, thence along Louisiana avenue to Sixth street west; thence south along Sixth street to B street northwest; thence west on B street (over its own tracks for such a distance as the Commissioners of the District of Columbia shall determine) to a point to be located by the said District Commissioners near the east curb line of Seventh street northwest, and returning by the same route to Fifth street northwest.

Also by inserting in Section two after the word "hundred" the words, "and fifty."

Also by inserting in Section three, as amended, after the words "two years" the words, "and three months."

SEC. 6. That Congress reserves the right at any time to ^{Amendment.} alter, amend, or repeal this Act.

Approved, August 23, 1894.

AN ACT to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company." June 3, 1896.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," approved July twenty-ninth, eighteen hundred and ninety-two, and the amendment thereto approved August twenty third, eighteen hundred and ninety-four, be, and the same are hereby, amended as follows:

Section one shall be amended to read as follows, commencing with the word "beginning," in line seventeen:

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided ^{Route extended.}

for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than six hundred feet from the western boundary of said land; thence across said land, but at no point less than two hundred feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road, except in the vicinity of Washington Aqueduct boundary stone numbered thirty-one, as hereinafter described, to Cabin John Creek, returning thence along the same line, by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, and a branch line north, beginning and connecting at a point on its main line, about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road; thence northerly on land to be acquired by said corporation, except across and along streets, where necessary, to a point on the Georgetown and Tenallytown Railway at or near the junction of the Loughboro road with the River road. Also, beginning and connecting on Thirty-seventh street northwest at its junction with Prospect avenue; thence north along Thirty-seventh street one hundred and twenty feet; thence easterly on land to be acquired by said corporation two hundred and forty feet; thence southerly on land to be acquired by said corporation one hundred and twenty feet to Prospect avenue and to connect with its present tracks: *Provided*, That there shall be but one railway parallel to and near the Conduit road; and wherever the route specified in this Act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, in the District of Columbia shall be referred to and determined by the Secretary of War; and matters in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington

Branch to Tenallytown road.

Coinciding routes.

and Great Falls Railway shall not, at any place on the line of said railway, be less than one hundred feet from the middle of the paved portion of the Conduit road, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than fifty feet from the middle of the paved portion of the Conduit road; and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone numbered thirty-one and a planted stone south thirty-six degrees forty-three minutes west, and distant two hundred and six and five-tenths feet from Washington Aqueduct boundary stone numbered sixty-seven, at which place the inner rail of the tracks shall be not less than sixty-five feet from the middle of the paved portion of the Conduit road: *Provided, however*, That said Washington and Great Falls Electric Railway Company, being authorized thereto by a vote of the majority of its stockholders of record, may contract with any street railway company in the State of Maryland or the District of Columbia, owning or operating a connecting or intersecting line, for the joint management, lease, or purchase of such line or lines, and operate the same in connection and as an extension with its present line, and in case of such contract may provide the means necessary by an increase of its capital stock not to exceed the actual consideration paid or the actual cost of the necessary construction, completion, equipment, and maintenance thereof. And for the purpose aforesaid said company is hereby authorized and empowered to issue its bonds to aid in paying for such construction, completion, motive power, equipment, and maintenance aforesaid and to secure the said bonds by mortgage or deed of trust of its right of way and all its property and franchise of whatsoever kind, whether real, personal, or mixed, on the whole of said line, its extensions, and branches, and connections, the stock and bonds authorized to be issued and negotiated by said company, to the amount of six hundred and fifty thousand dollars, under the decree of the supreme court of the District of Columbia being hereby confirmed. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct, as provided in this Act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no work shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of five thousand dollars, or such other sum as the Secretary of War may deem proper, to defray all the expenses that may be incurred by the United States in connection with the inspection of said railway.

Location of tracks.

May contract with connecting lines.

Bonds and stock.

Steam cars, etc., prohibited.

Deposit.

tion of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs, and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway, its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this Act, as far as applicable, shall apply to any extension of this railway in the State of Maryland that may be granted by said State; and the provisions of section fifteen of the Act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An Act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the privileges granted by this Act to the Washington and Great Falls Electric Railway Company, and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great Falls Railway Company shall, where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across the Conduit road or any road outside of the District of Columbia, pave the same between the rails and sets of rails and two feet outside thereof, with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall

Damages to
property of Uni-
ted States.

Construction.

Crossings.

Paving.

keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities, the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company. That the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner: *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aqueduct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall erect and maintain, subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, four feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable cattle guards, openings, and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways.

Motive power.

To protect U. S. telephone line.

Shall erect fence.

"That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until twelve o'clock antemeridian, which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this Act. The crossings over the Conduit road shall be made to conform to all changes of grade of this road. The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street; and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus. Efficient signals, by gong or bell, shall be made by every car before and during the crossing of the Conduit road, and, if the Secretary of War

Lights.

Construction over water mains, etc.

Signals at crossings.

shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop. The rate of speed at which the cars may run on said road shall not exceed five miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed ten cents each way per passenger, and this amount may be divided into divisions of five cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this Act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

Speed at crossing.
Crossing Foxhall road.
Cars.
Schedule.
Speed, use of tracks, etc.

"Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or cause to be inspected, from time to time, the cars operated on said road, and to require of said company that all cars and stations shall be of the first class, and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall and Conduit roads, shall subject the company to a fine of fifty dollars for each such failure, which fine may be recovered in any court of competent jurisdiction."

Capital stock.
How paid in.
Sale of delinquent stock.

Section two shall be amended to read as follows:
"SEC. 2. That the capital stock of said company shall be six hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses, and other buildings necessary to the operation of said road. The said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per centum at the time of subscribing and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the fifty per centum thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take

the least number of shares for the assessments due shall be taken as the highest bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchise and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad: *Provided, however*, That an amount of stock equal to the bonds so issued shall be first canceled and adjudged annulled: *And provided further*, That such stock and bonds may be issued as the work progresses."

Buildings.

Bonds.

Section three shall be amended to read as follows:

"SEC. 3. That within thirty days after the passage of this Act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from ten o'clock in the forenoon until four o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing, fifty per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; and when the books of subscription to the capital stock of said company shall be closed, the corporators, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the

Subscription to stock.

Meeting of corporators.

choice of directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy."

Repeal.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

Amendment,
etc.

SEC. 3. Congress reserves the right to alter, amend, or repeal this Act.

Approved, June 3, 1896.

WASHINGTON AND MARLBORO ELECTRIC RAILWAY COMPANY.

AN ACT to authorize the Washington and Marlboro Electric Railway Company, of Maryland, to extend its line of road into and within the District of Columbia. March 2, 1895.
Stats. 28, p. 717.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Marlboro Electric Railway Company, incorporated by an act of the general assembly of Maryland, entitled "An Act to incorporate the Washington and Marlboro Electric Railway Company," and so forth, approved on the eighth day of April, eighteen hundred and ninety, is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, and run cars thereon through and along the following routes:

Beginning at and on the southeasterly boundary line of the District of Columbia where the line of railway of said company within the State of Maryland shall reach the same, and running thence by Suitland road, Bowen road, and Branch avenue, or other practicable route which may be approved by the Commissioners of the District of Columbia, to connect with Pennsylvania avenue extended; thence by and with said avenue to and across the tracks of the Baltimore and Ohio Railroad on Railroad avenue; thence along Railroad avenue to Naylor road and by the same to the Anacostia River; thence across the Anacostia River by a steel or iron truss bridge resting on masonry piers built parallel to the direction of the current, with pile or other secure and approved foundations, and with spans not less than those of the Pennsylvania avenue bridge, and with a wide drawspan over the channel. The plans of said bridge shall be approved in writing by the Secretary of War, and the bridge shall be built by said company over and above the tracks of the Baltimore and Potomac Railroad in such manner and at such height as not to interfere with the use of said railroad; and thence to the intersection of Pennsylvania avenue and Fifteenth street southeast by a route to be approved by the Commissioners of the District of Columbia; thence north on Fifteenth street east, to Florida avenue; thence northwesterly on Florida avenue to Seventh street northwest; also, when the proposed extension of Pennsylvania avenue shall have been completed to Bowen road, then the route of said railroad may be extended from the intersection of Branch avenue therewith to Bowen road, and by further practicable route as may be approved by the Commissioners of the District of Columbia to the boundary line of the said District at or near the Suitland road: Pro-

Washington
and Marlboro
Electric Ry. Co.,
of Md., author-
ized to extend
line into D. C.

Route.

Bridge over
Anacostia River.

Plan of bridge.

Extension of
route.

- Time for extension.** *vided*, That such extension of the road shall be made within one year after the opening of Pennsylvania avenue to the Bowen road. These routes may be modified or extended at the will of Congress, and the said railway company shall comply with such modifications or extensions.
- Widening of streets.** SEC. 2. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section 5 of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.
- Route in country road.** SEC. 3. That when the route described coincides with that of a country road of less width than sixty-six feet the railway shall be constructed entirely outside the road.
- Construction.** SEC. 4. That the said railway shall be constructed in a substantial and durable manner; and all rails, electrical and mechanical appliances, conduits, stations, and so forth, shall be of approved pattern.
- Paving** SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and two feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct, and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners, the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.
- Lights** SEC. 6. That if the said railway be operated by overhead wires the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.
- Change of grade, etc.** SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewerage thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.
- Trenches, etc.** SEC. 8. That it shall be lawful for said railway company, its successors or assigns, to make all needful and convenient trenches and excavations in any of said streets or places

where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means aforesaid. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company, or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

Deposit for water mains.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of a cable-motor, electric, pneumatic, or other railroad.

Engine houses, etc.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within two years from the passage of this Act.

Commencement and completion.

SEC. 12. That the said company may run public carriages propelled by cable, electric, or other mechanical power; but nothing in this Act shall allow the use of steam power in locomotives: *Provided further*, That for the purpose of making a continuous connection, the said company shall have the right to cross all streets, avenues and highways that may be deemed necessary for this purpose: *Provided*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia, the tracks shall be

Motive power.

Crossings.

Coinciding routes.

used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided*, That this shall not apply to or interfere with any station already established on any existing lines; that said corporation is authorized and empowered to propel its cars over the line of any other road or roads which may be in the alignment with and upon such streets as may be covered by the route or routes as prescribed in this Act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

Passenger SEC. 13. That the said company shall furnish and main-
houses. tain passenger houses as required by the Commissioners of
Cars. the District of Columbia, and shall place first-class cars on
said railway with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, according to a time-table approved by the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of fifty dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

Speed. SEC. 14. That the Commissioners of the District of
Columbia may make such regulations as to rate of speed,
Removal of ice mode of use of tracks, and removal of ice and snow as in
and snow. their judgment the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Articles left in SEC. 15. That all articles of value that may be inadvert-
cars. ently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open

to the inspection of the public at all reasonable hours of business.

SEC. 16. That said company shall, on or before the first of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the thirty-first, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the time specified or within ten days thereafter, such failure shall of itself operate as a forfeiture of the privileges and rights herein granted, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, four per centum of its gross earnings within the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per centum of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That the payment of the said four per centum of its gross earnings shall not be required during the period of five years after the commencement of the operation of said railway, or any part thereof. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided further*, That its tracks shall not be taxed as real estate.

SEC. 17. That said company may receive a rate of fare not exceeding five cents per passenger; and the said company may make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its roads: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for twenty-five cents.

SEC. 18. That the said company shall have at all times the free and uninterrupted use of the roadway, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall

Annual report.

Taxes.

Proviso.

Fare.

Free use of roadway.

remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Crossings.

SEC. 19. That the said railway company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this Act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

Ejection from cars.

SEC. 20. That no person shall be prohibited the right to travel on any part of said road or ejected from the cars by the company's employees for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

Condemnation of land.

SEC. 21. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding fifty feet in width, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

Guarantee deposit.

SEC. 22. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

Plans.

SEC. 23. That all plans relating to the location and construction of said railway shall be subject to the approval of the Commissioners of the District of Columbia, or their successors, and all work shall at all times be subject to their supervision. The said corporation shall, from time to time, deposit with the collector of taxes, District of Columbia, such amounts as may be deemed necessary by said Commissioners to cover the cost of inspection, supervision, pavement, and repairs.

Deposits with collector of taxes.

Conditions shall be complied with.

SEC. 24. That all the conditions, requirements, and obligations imposed by the terms of this Act upon the Washington and Marlboro Electric Railway Company shall be complied with by any and all the successors to and assigns of said Company.

Amendment, repeal.

SEC. 25. That this Act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, March 2, 1895.

STREET RAILWAY LAWS OF A GENERAL NATURE.

Sundry civil bill, 1873.

* * * and all railroads are hereby prohibited on the I street and K street fronts of Farragut, Scott [changed to McPherson square March 3, 1875. See U. S. Stats. 18, p. 391] and Franklin squares; and no further street railroads shall be laid down in the city of Washington without the consent of Congress. * * *

Approved, June 10, 1872.

June 10, 1872.

Stats. 17, p. 350.

Railroads prohibited on I and K street fronts of Farragut, McPherson, and Franklin squares. No further roads shall be laid without the consent of Congress.

EXTRACTS from an act providing a permanent form of government for the District of Columbia.

June 11, 1878.

Stats. 20, p. 106.

* * * * *

The cost of laying down said pavements, sewers, and other works or of repairing the same shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair.

Portion of public works chargeable to street railroad companies.

But the said railway companies having conformed to the grades established by the Commissioners may use such cobblestone or Belgian blocks for paving their tracks or the space between their tracks as the Commissioners may direct.

How tracks shall be paved.

The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year.

United States pay half of all costs under sec. 5, except that done by railroad companies.

And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia, or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

Paid on warrants of Commissioners by Secretary of Treasury.

That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia.

District to pave tracks of street-railroad companies, when.

And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District, in such case of the neglect or refusal of such railway company to perform the work required as aforesaid the Commissioners of

Commissioners may issue certificates of indebtedness against their property, etc.

the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company.

Certificates not paid property sold.

And if the said certificates are not paid within one year the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

Duties of railroad companies where tracks intersect.

When street railways cross any street or avenue the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

* * * * *

Approved, June 11, 1878.

March 2, 1889.

District of Columbia appropriation bill, 1890.

Stats. 25, p. 797.

* * * * *

Streetcars may be run by electricity or cables.

That any company authorized by law to run cars propelled by horses in the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or underground wire, or underground cables moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail, and made level with the service of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That in the event said companies or either of them shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid

Grooved rails.

Provided.

Grooved rails to be put in within two years.

with the flat grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the Commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations or either of them shall not within ninety days thereafter begin the work

required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days it shall be the duty of the Commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the certificates are not paid within one year the said Commissioners of this District of Columbia may proceed to sell the property against which they were issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder: *Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed. *Provided further*, That the foregoing requirements as to motive power, rails and road-beds shall not apply to street railroads outside the city of Georgetown and the Boundary limits of the city of Washington: *and* *Provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the Commissioners of said District of Columbia, expressed by resolution of said board.

Commissioners shall make the change on neglect of some party to do so.

Certificates of indebtedness for cost.

Sale of property.

No other rail to be used hereafter.

Not applicable outside city limits.

Approval of Commissioners.

Approved, March 2, 1889.

District of Columbia appropriation bill, 1891.

August 6, 1890.

Stats. 26, p. 310.

SEC. 3. That any street railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed, to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the President of said Company, and filed with the Commissioners of the District. And any company availing itself of the privileges herein granted shall within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District

Street railroad companies changing motive power, etc.

May issue stock to cover cost. Sales at market price.

Sworn statement to be filed.

Companies accepting privilege must dispense with horses in two years. Power to be substituted.

of Columbia, approved March second, eighteen hundred and eighty-nine, or pneumatic or other modern motive power which shall be approved by the Commissioners of the District of Columbia, but nothing in this act contained shall in any wise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all its lines within two years from the date of this act, such company shall forfeit its corporate franchises.

Approved, August 6, 1890.

July 22, 1892. JOINT RESOLUTION extending the time in which certain street railroads compelled by act of Congress, approved August sixth eighteen hundred and ninety, to change their motive power from horse power to mechanical power, for one year.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the street railroad companies availing themselves of the privileges granted by the act making appropriations to provide for the government of the District of Columbia, and approved August sixth, eighteen hundred and ninety, so far as it extends to the Metropolitan Railroad, is hereby extended for one year from the date of the passage of this act: *Provided*, That so fast as the cars now building are equipped with storage batteries they shall be placed on the road: *And provided further*, That pending the change the present equipment of the road shall be put, kept and maintained in good condition; and any failure to comply with any of the foregoing requirements as to equipment shall render the said Metropolitan Railway Company liable to a fine of not exceeding twenty-five dollars for each day so in default, to be recovered by the Commissioners of the District of Columbia, as other fines are recovered in the District of Columbia.

“Sec. 2. Congress reserves the right to alter, amend or repeal this act.”

Approved, July 22, 1892.

July 29, 1892. AN ACT to prohibit the use of “one horse” cars within the limits of the city of Washington after the first day of January, eighteen hundred and ninety-three, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the first day of January, eighteen hundred and ninety-three, it shall be unlawful for any street railway company owning or operating any line of street railway within the limits of the city of Washington, or the greater part of which lines lies within said city limits, to use upon such road any “one horse” cars. After said date, all cars used within the said limits shall, if drawn by horse power, be of the size and style known as “two horse cars,” and each car

shall be in the charge of a conductor, and such conductor shall not act as a driver: *Provided* this act shall not apply to any company operating street railways outside the limits of the city of Washington or through unimproved and sparsely settled sections of the same, until such time as the Commissioners of the District of Columbia shall deem necessary for the public needs, Any railroad company violating the provisions of this act shall be subject to a fine of twenty-five dollars per day for each car, and for every day it may be so operated, to be recoverable by action instituted in the name of the Commissioners of the District of Columbia in any court of competent jurisdiction within the District, and all fines collected on such account shall, when collected, be paid into the Treasury for the use of the District of Columbia, It is hereby made the duty of the Commissioners of said District to see that this act is strictly enforced.

Not applicable to sparsely settled sections.

Penalty.

Enforcement.

Approved, July 29, 1892.

AN ACT to provide for the sale of new tickets by the street railway companies of the District of Columbia.

May 25, 1894.

State. 28, p. 78.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after thirty days from the passage of this Act, each street railway and street herdic transportation company in the District of Columbia shall issue its own tickets, and sell no tickets issued by any other company. Such tickets shall be printed and sold in sheets of six tickets each, and after having been once used shall be canceled by the company which issued the same: *Provided*, That all street-railway companies and herdic transportation companies doing business in the District of Columbia, shall receive and exchange tickets with each other, and said companies shall make monthly settlements with each other, and shall redeem in money any tickets in excess of the number of tickets exchanged.

Street railway and herdic companies shall use tickets but once.

Companies shall honor each others tickets.

SEC. 2. That any street railway or street herdic transportation company doing business in the District of Columbia which shall violate the provisions of this act shall be liable to a fine of not to exceed ten dollars for each offense, to be recovered in any court of competent jurisdiction.

Penalty.

Approved, May 25, 1894.

AN ACT to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

August 2, 1894.

State. 28, p. 217 (amended).

* * * * *
SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines, and to furnish such facilities therefor as the public convenience may

Metropolitan
Railroad required
to enter into
reciprocal trans-
fer and trackage
arrangements
with other roads.

Connecting
street railways
in D. C. sub-
jected to same
requirements.

require. Upon the completion of the underground electric system provided for in this Act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith.

* * * * *

Approved, August 2, 1894.

June 11, 1896. From District of Columbia appropriation act, approved June 11, 1896.

* * * * *

REPAIRS STREETS, AVENUES, AND ALLEYS: For current work of repairs of streets, avenues, and alleys, thirty thousand dollars. And this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section five of "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected: *Provided*, That the fifth section of the Act of Congress approved August second, eighteen hundred and ninety-four, relating to reciprocal trackage arrangements by the Metropolitan and other railroad companies, be, and the same is hereby amended by adding the following thereto: *Provided*, That any suburban street railroad company in the District of Columbia intersecting or connecting with any urban street railroad may have such reasonable number of its trail cars drawn by such urban railroad company, over the route of such urban railroad for the transportation of through passengers, as shall not, in the judgment of the supreme court of the District of Columbia, be to the undue detriment of such urban railroad company. The schedule, kind, and number of cars to be drawn, compensation therefor, and all other matters relating thereto in the event of said railroad companies being unable to agree between themselves shall, from time to time, on petition of either railroad company, be decided by said supreme court: *Provided further*, That in no event shall any railroad company be entitled under said law providing for

Reciprocal
trackage ar-
rangements.

Suburban trail
cars to be drawn
over urban roads.

trackage arrangements or under the provisions of this Act to collect fares except from such passengers as board the cars upon their own line: *Provided further*, That this provision shall not be construed to affect rights heretofore acquired either by contract or under any order of court made under authority of law.

Collection of fares.

Not to affect existing rights or contracts.

AN ACT to amend an act entitled "An act to incorporate the Capital Railway Company," approved March second, eighteen hundred and ninety-five.

May 28, 1896.

SEC. 3. That the Capital Railway Company, the Metropolitan Railroad Company, and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

Free transfers to be issued between the Capital Railway and the Capital Traction and Metropolitan companies.

AN ACT to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

Feb. 26, 1895.

Stats. 28, p. 632.

SEC. 5. That the Brightwood Railway Company, the Rock Creek Railway Company, and the Georgetown and Tennallytown Railroad Company be, and they are hereby, respectively, authorized and required to sell four coupon tickets for twenty-five cents, good for one continuous ride in the District of Columbia over the lines of said companies, respectively, and the lines of the Metropolitan Railroad Company, and the said suburban roads shall redeem the tickets collected by the Metropolitan Railroad Company, at the rate of two and one-half cents for each coupon ticket presented by the said Metropolitan Railroad Company. Any of the aforesaid railroad companies which shall refuse to make sale of tickets or to accept tickets so sold as herein provided for, shall be liable to a fine of fifty dollars for each such violation, to be recovered in the police court of the District of Columbia as other fines are recovered: *Provided*, That the proceeding for the collection of such penalty shall be commenced within thirty days from the date of the alleged refusal. The supreme court of the District of Columbia shall have, and it is hereby given, authority and jurisdiction to enforce the requirements and provisions of this section in respect of the sale of tickets on the petition of either of the aforesaid railroad companies or any citizen of the District of Columbia. And power is hereby given to the Metropolitan Railroad Company and the Rock Creek Railway Company to contract with each other for the purchase, sale, lease, or joint operation of the line of said Rock Creek Railway Company on Florida avenue and U street, or any part thereof.

Certain lines to sell coupon transfer tickets.

Penalty.

Power of lease or sale, etc.

SEC. 6. That this Act shall take effect in thirty days after its passage.

Act to take effect March 28, 1895.

Approved, February 26, 1895.

August 7, 1894.

District of Columbia appropriation bill, 1895.

Stats. 28, p. 250.

Street rail-
ways shall equip
cars with fend-
ers.

Commission-
ers shall decide
on design of
fender.
Companies not
relieved from
liability.

That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make and to enforce all reasonable regulations in respect to requiring street cars operated by other means than horse power in the District of Columbia to be provided with proper fenders for the protection of the lives and limbs of all persons within the District of Columbia. Such power and authority shall extend to the adoption by the said Commissioners of any fender or fenders deemed by them to be superior to the fenders now in use as the fender or fenders which shall be used on cars operated within the said District: Provided, That nothing contained in this Act shall operate to relieve any street railway company from liability for accidents on its lines.

Approved, August 7, 1894.

August 23, 1894.

Stats. 28, p. 492.

AN ACT to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway."

Street railway
passenger station
authorized near
Aqueduct Bridge

Plans to be ap-
proved by Com-
missioners Dis-
trict of Columbia

Washington
and Georgetown
Railroad shall
construct and
maintain station.

Location of
station.

Washington
and Georgetown
Railroad shall
extend its tracks
on M street.

Shall not switch
cars in M street.

Expense of
moving water
mains, etc., shall
be borne by street
railways.

SEC. 3. That in order to accommodate the street railway traffic that may converge at or near the Aqueduct bridge, under authority granted or to be granted by Congress, a passenger station is hereby authorized. Such station shall have ample provision for the safe, convenient, and comfortable transfer of passengers to and from the cars of the street railways using the same. All plans for such station and its necessary approaches shall be subject to the written approval of the Commissioners of the District of Columbia. The said Commissioners shall have the power to settle any differences which may arise between the companies using the said station as to compensation or rentals or as to the necessary regulations for the control of said station. The said passenger station shall be constructed and maintained as a union passenger station, for the use of street railways only, by the Washington and Georgetown Railway Company. Said station shall be located on land already owned or hereafter to be acquired by the aforesaid company, which land shall be bounded on the north by Prospect street, on the east by a line drawn not less than one hundred and twenty feet west of the west line of Thirty-fifth street, on the south by M street, and on the west by Thirty-sixth street northwest. Within one year from the approval of this Act the said Washington and Georgetown Railway Company shall complete the said station and shall extend its tracks on M street northwest to a point not less than one hundred and twenty feet west of Thirty-fifth street, and thence into said station; and thereafter the said company shall cease entirely to switch cars on M street northwest.

SEC. 4. That the street railway companies mentioned in this Act, and hereafter all street railway companies in the District of Columbia, respectively, shall bear all the expenses that may be incurred by the United States in

making and inspecting such changes to the water mains, fixtures, or apparatus of the Washington Aqueduct as may be rendered necessary by the construction or extension of such several roads; and the Secretary of War is hereby authorized and directed to make all regulations to carry into effect the provisions of this section.

* * * * *

Approved, August 23, 1894.

EXTRACTS from Police Regulations of the District of Columbia,
corrected to July, 1896.

* * * * *

SEC. 15. Street cars within the District of Columbia shall have the right of way upon their respective tracks, except as otherwise provided; and no person shall obstruct or delay the movement thereof, at the lawful rate of speed hereinafter designated: *Provided, however,* that in cases of emergency, and whenever the public interest or the public safety requires, the Commissioners may order a cessation of the movement of street cars or other public vehicles, for a reasonable period of time, upon any street or avenue in said District: *Provided, further,* that the order for such cessation of street car travel shall be given to the officers of any company operating cars upon such street or avenue; and it shall be unlawful for such street cars to resume movement until the expiration of the time limited in such notice; and the Major and Superintendent of Police shall clear such streets and avenues of all other vehicles for the time designated in said order. Any violation of the provisions of this section shall be punished, on conviction, by a fine of not less than five nor more than forty dollars for each offense.

Street cars shall have the right of way, and shall not be delayed except by orders from Commissioners.

Penalty.

SEC. 16. No minor not being a passenger shall be upon the platform or steps of any railroad car drawn by steam, or of any omnibus, street car or other vehicle drawn by horse, cable or electric power.

Minors not allowed on platforms of certain vehicles.

SEC. 17. Every grip and every motor car operated in the District of Columbia shall be fully equipped with front pick-up fenders of the Blakistone pattern, as shown by drawings on file in the office of the Commissioners of the District of Columbia: *Provided,* That any street railway company may substitute for the above any other fender which may hereafter be approved by the Commissioners of the District of Columbia.

Grip and motor cars to have fenders.

SEC. 18. Every grip and every motor car operated in the District of Columbia shall be fully equipped with wheel-guard fenders of the "Brightwood automatic" pattern or the "Blakistone" pattern, or the "Eldridge Smith" pattern: *Provided,* That any street railway company may substitute for the above any other wheel-guard fender which may hereafter be approved by the Commissioners of the District of Columbia: *Provided,* That the "Claude fender" and the "Parmeter improved wheel-guard" be added to the list of approved front fenders and wheel-guard fenders

Grip and motor cars to have wheel guards.

therein set forth: *Provided*, That the details of construction of such fenders be approved by the Engineer Department.

Penalty.

SEC. 19. Any railway in the District of Columbia which shall operate any grip or motor car in the District of Columbia not fully equipped with fenders herein adopted or authorized shall be subject to a fine of twenty-five dollars a day for each and every car not so equipped, and operated by said company.

Railway companies to remove obstructions from tracks.

SEC. 20. Each railway company in the District of Columbia operating street cars requiring fenders shall, after thirty days' notice from the Commissioners of the District of Columbia, remove from its tracks all permanent obstructions projecting above the general surface of the pavement which prevent the satisfactory action of the wheel-guard fenders herein adopted or authorized, or increase danger to life and limb.

Penalty.

SEC. 21. Any railway company failing to comply with the above requirement shall be subject to a fine of five dollars a day for every such obstruction not so removed upon and after the date specified in said notice.

Motor and cable cars to be constructed so as to allow the effective action of wheel guard.

SEC. 22. Every cable and every motor car operated in the District of Columbia must be so constructed or altered that a clear space of fifteen inches in height above the rails is provided between the wheel-guard and the adjacent end of the car, in order to allow the effective action of the wheel-guard.

Penalty.

SEC. 23. Any railway company failing to comply with the above requirement shall be subject to a fine of five dollars a day for each car not so constructed or altered, and operated by it.

Platforms and cars in trains shall be guarded by gates.

SEC. 24. Platforms of street cars, and the space between such cars when in trains, shall be guarded by gates of a construction and operation approved by the Commissioners of the District of Columbia, and any company failing to comply with the provisions of this section shall be fined not more than forty dollars.

Penalty.

Fenders to be kept in working order.

SEC. 25. After the fenders are placed upon the cars, they must be kept in thorough working order and in good repair at all times during the use of such cars. Any railway company failing to comply with this provision shall be subject to a fine of twenty dollars a day for each and every offense.*

Penalty.

Speed of street cars regulated.

SEC. 26. No street car shall move at a greater rate of speed than ten miles an hour in the city of Washington, nor at a greater rate of speed than fifteen miles an hour outside of said city; street cars shall not exceed a rate of speed greater than five miles an hour at street crossings, and when necessary to stop shall stop on the near side thereof, except where the mechanical appliances make it impracticable to do so; nor shall any street car stand upon

Cars to stop on near side of street.

Cars not to stop more than five minutes nor so as to obstruct crossing.

a street or avenue for a longer period than five minutes, unless the way be obstructed, nor stop so as to obstruct a street crossing or intersecting street; and no street car shall follow a preceding car moving in the same direction

* See Appropriation bill approved August 7, 1894.

at a less interval than one hundred feet, unless coupled thereto. Every street car in motion after sundown shall have two lights, one displayed at each end thereof, and all vehicles moving in streets with car tracks shall, in general, keep on the right side thereof, between the right side and curb.

Cars to display lights after sundown.

SEC. 27. Wherever street railroads cross each other, all cars or trains bound north or south shall have the right of way over trains or cars bound east or west, and all motor-men, gripmen and drivers on any such trains or cars shall on approaching intersecting crossings stop their cars or trains and see that the way is clear before crossing: *Provided*, That the provisions as to the right of way shall not apply where branches of the same street railway cross each other: *Provided*, That rapid transit street cars shall always have the right of way over cars drawn by horse power: *Provided*, further, That the cars and trains of the Capitol Traction Company shall have the right of way at the intersection of Thirty-second and M streets northwest.

At intersecting street-car crossings, north and south bound cars to have right of way, and cars must be stopped before crossing intersecting track.

SEC. 28. Flagmen shall be stationed at the crossings of all rapid transit street car lines, when in the judgment of the Commissioners of the District of Columbia the public safety requires the same.

Flagman at street-car crossings.

SEC. 29. Steam cars, trains or engines shall not move upon any street or avenue at a greater rate of speed than twelve miles an hour, and no steam car, train or engine shall be stopped or held at a street crossing or intersection so as to obstruct the passage of vehicles or foot passengers for a longer period than is needed for the passage of such steam car, train or engine at a speed of not less than five miles an hour. Drivers, gripmen or motormen of street cars in the District of Columbia, before crossing the tracks of a steam railroad shall bring their cars to a full stop, and not start them again until so directed by the conductor, who shall be satisfied by personal observation that the tracks may be crossed by the car with safety.

Speed of steam cars regulated. they not to stop on crossings nor so as to obstruct travel.

Street cars to come to full stop before crossing steam railroad tracks.

From District of Columbia appropriation act, approved August 7, 1894. August 7, 1894.

* * * * *

And hereafter one-half the cost of the maintenance and repair of any bridge across Rock Creek occupied by the tracks of a street railway or railways shall be borne by the said railway company or companies, and shall be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section five of "An Act providing a permanent form of government for the District of Columbia." approved June eleventh, eighteen hundred and seventy-eight. The amounts thus collected shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Street railway companies shall pay half cost of maintaining bridges across Rock Creek occupied by their tracks.

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